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Washington, Wednesday, December 6, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10187

AMENDMENT OF EXECUTIVE ORDER NO. 10011 [1] OF OCTOBER 22, 1948, AS AMENDED, AUTHORIZING THE SECRETARY OF STATE TO EXERCISE CERTAIN POWERS OF THE PRESIDENT WITH RESPECT TO THE GRANTING OF ALLOWANCES AND ALLOTMENTS TO GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by section 1203 of the General Appropriation Act, 1951 (Public Law 759, 81st Congress), and section 1 of the act of August 8, 1950, Public Law 673, 81st Congress, it is ordered that section 1 (d) of Executive Order No. 10011 of October 22, 1948, as amended by Executive Order No. 10085 of October 28, 1949, authorizing the Secretary of State to exercise certain powers of the President with respect to the granting of allowances and allotments to Government personnel on foreign duty, be, and it is hereby, amended to read as follows:

"(d) The authority vested in the President by section 1203 of the General Appropriation Act, 1951 (Public Law 759, 81st Congress), and by section 302 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 8) to prescribe, with respect to civilian officers and employees of the Government, regulations governing living-quarters allowances, cost-of-living allowances, and representation allowances in accordance with, or similar to, such allowances authorized by the said act of June 26, 1930, or the said section 901 of the Foreign Service Act of 1946."

This order shall be effective as of July 1, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 4, 1950.

[P. R. Doc. 50-11172; Filed, Dec. 4, 1950; 4:33 p. m.]

[1] 13 F. R. 6263; 3 CFR 1948 Supp.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 361—ROUTINE

SUBPART D—SERVICING FARM HOUSING LOANS

FINAL PAYMENTS ON FARM HOUSING LOANS

Subpart D of Part 361 in Title 6, Code of Federal Regulations (15 F. R. 7973), is amended to add § 361.63 as follows:

§ 361.63 *Final payments*—(a) *General.* A refund of all of the Farm Housing funds advanced which is made after the loan has been closed will be considered a paid in full case. Consequently, when a refund of the full amount of the loan is made after the loan has been closed, the borrower will be required to pay interest from the date of the loan check to the date final payment is received by the official who makes the collection.

(b) *Authorization.* The State Director is authorized to accept final payment on a Farm Housing loan and to execute the necessary releases and satisfactions in connection with the Farm Housing indebtedness.

(c) *Satisfactions delivered at time of final payment.* If the circumstances require a satisfaction of the Farm Housing mortgage at the time final payment is made, the State Director is authorized to prepare and execute the satisfaction on forms and in accordance with instructions approved previously by the representative of the Office of the Solicitor, prior to the receipt of Form FHA-597, "Notice of Fully Paid Notes," from the Area Finance Office. The original and one copy of the executed satisfaction (or two copies if state law requires recording or filing by the mortgagee) will be sent immediately to the County Supervisor, together with instructions covering any conditions which must be satisfied in connection with final payment. The original will be delivered to the borrower only upon receipt of full payment of the unpaid balance of principal and interest, computed as of the date final payment is received, and only when such payment is made by the borrower in the form of currency and coin, Treasury check, cashier's check, certified check, or

(Continued on p. 8623)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

money orders. If state law requires recording or filing by the mortgagee and two copies have been supplied by the State Office, the additional copy will be recorded or filed with the proper recording officials after payment in full is received. If full payment is not received, or if any other requirements prerequisite to delivery of the satisfaction are not met, the County Supervisor will return the executed satisfaction forms to the State Office for destruction.

(d) *Preparation of receipt.* Final payment of the account will be indicated on Form FHA–37, "Receipt for Payment," by marking it "paid in full." Identify the type of payment as "regular," "extra," or "refund." Any portion of the final payment derived from the sale of the farm or refinancing of the Farm Housing debt will be identified as an "extra payment." Whenever all or a portion of the final payment is derived from a loan from another credit source, identify the "source of funds" as "refinancing."

(e) *Property insurance.* The County Supervisor will advise the borrower regarding the manner in which property insurance will be cancelled, or release of mortgage interest executed.

(f) *Delivery of documents.* If the satisfaction of the Farm Housing mortgage has been executed and delivered or filed immediately upon receipt of final payment by the County Supervisor, all references to the satisfaction contained in this paragraph will be disregarded. The County Supervisor will deliver the stamped note(s), any abstracts of title, and the original Farm Housing mortgage to the borrower. The original satisfaction will be delivered to the borrower for recording or filing, if desired. However, if state law requires recording or filing by the mortgagee and two copies have been supplied by the State Office, the additional copy will be recorded or filed with the proper recording official.

(Sec. 510, 63 Stat. 437; 42 U. S. C. Sup., 1480)

DERIVATION: § 361.63 contained in FHA Instruction 451.13.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

NOVEMBER 14, 1950.

Approved: December 1, 1950,

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50–11123; Filed, Dec. 5, 1950; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1, Amdt. 1]

PART 1—AIRWORTHINESS CERTIFICATES

AIRWORTHINESS DIRECTIVES

The following rules, which require modifications of aircraft for the purpose of remedying defects affecting airworthiness, are hereby adopted. They shall become effective upon publication in the FEDERAL REGISTER unless otherwise indicated, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Section 1.2–1, published on June 17, 1950, at 15 F. R. 3872, is amended as follows:

§ 1.2–1 *Airworthiness directives (CAA policies and rules which apply to § 1.2).* See Appendix A of this part.

APPENDIX A—AIRWORTHINESS DIRECTIVES

* * * * *

3. *Airworthiness directives which remain in effect (CAA rules).* * * *

AIRWORTHINESS DIRECTIVES ISSUED IN 1950 WHICH REMAIN IN EFFECT * * *

50–18–1 BOEING (Applies to all Model 377 aircraft equipped with General Electric BH4 Turbo-superchargers.)

Compliance required after each 15 to 25 hour period of operation. Inspect all turbine buckets visually for damage, through the exhaust tail pipe, and replace turbine wheels found unsuitable for further use.

The inspections formerly specified in A. D. Note 49–8–1 may be conducted at periods consistent with General Electric recommendations and each operator's service experience.

This supersedes Note 49–8–1.

50–18–2 DOUGLAS (Applies to all Model DC6 Aircraft equipped with Hamilton Standard 43D60/6841A–O, 6851A–O, and 6873A–O Propeller Blades and R–2800–83AM4, R–2800–83A or CA Type Engines.)

To have been accomplished by April 28, 1950. A recent propeller blade tip failure of a Hamilton Standard 43D60/6851A–O propeller on a DC–6 powered with R–2800–CA–15 engines probably resulted from a worn 4½ order engine crankshaft Torsional damper Part No. 101169. Until further notice or until the engines are known definitely to comply with P & W Service Bulletin No. 1033 dated November 30, 1949, all DC–6 aircraft using Hamilton Standard 6841A–O, 6851A–O and 6873A–O blades and R–2800–83AM4 or CA type engines shall be placarded to avoid all operation between 1,800 and 1,975, between 2,025 and 2,175 and between 2,225 and 2,450 rpm. Only acceleration and deceleration through placarded ranges shall be permitted. For gross weights above 80,000 pounds, 2,450 rpm. is permissible for normal climb. For gross weights below 80,000 pounds, climbing rpm. between 2,450 and 2,600 permissible. For gross weights above 80,000 pounds avoid operation above 2,450 rpm. except for take-off and emergencies. For R–2800–83A engine installations, operating restriction presently covered in Aircraft Specification A–781, Note 5C(1) applicable and until further notice operation between 1,800 and 1,975 and between 2,025 and 2,175 shall be prohibited.

50–18–3 AIR ASSOCIATES (Applies to all Model M–264 Safety Belts incorporating Warren McArthur end fittings, P/N 275–AS26, (Air Associates P/N M–1842).)

Compliance required as indicated below. Warren McArthur end fittings, P/N 275–AS26, (Air Associates P/N M–1842) have been found to be of insufficient strength for use in two-person belts. These fittings are not marked, have a fitting plate thickness of 1/8", and may be identified by comparison with the sketch shown in A. D. Note 50–2–1. *One-person belts using these fittings must be modified not later than the next annual inspection (or the next seat overhaul for aircraft on a continued maintenance basis) so that the label will read "Approved for one person."* This may be done by blanking out the words "Or Two" and the letter "S" in the word "Persons" on the label with India ink or an equally effective method. All such belts presently used in two-person applications shall be removed and replaced by other belts approved for two persons *not later than May 1, 1950.*

Care should be taken not to confuse these fittings with another Warren McArthur fitting P/N 13971 (also known as P/N 314–AS12) which is identical in appearance except that the fitting plate thickness is 5/32".

This supersedes Note 50–2–1, the new material is indicated in italics above.

50–19–2 CONSOL.-VULTEE (Applies to all Model 240 Aircraft.)

Compliance required as indicated. Failures of the rudder flight tab balance weight brackets and of the rudder closing spar ahead of the flight tab have been experienced on service aircraft. In order to preclude the possibility of these failures progressing to such an extent that the airworthiness of the airplane is impaired, it is considered necessary that the following be accomplished on all CVAC Model 240 series aircraft:

A. To be accomplished as soon as practicable but not later than next number one inspection and to be repeated at each number two inspection thereafter.

Inspect the rudder flight tab balance weight brackets for cracks in the neck down areas approximately 1 inch from the flight tab and also adjacent to the edges of the counterweight. Inspect the rudder closing spar for cracks in the areas adjacent to the rudder flight tab hinge brackets. All cracks, when found, must be replaced or suitably repaired before next flight.

B. To be accomplished by January 1, 1951.

Reinforce the rudder flight tab balance weight brackets, and the attachment of the brackets to the tab and to the balance weight. (CVAC Service Bulletin 240–355A covers this same subject.)

NOTE: Although evidence indicates that these failures will be materially reduced after incorporation of the above, sufficient evidence of trouble-free operation is not available. Therefor, it will be necessary that the inspections outlined under Part A. above, be continued at each Number Three Inspection after the incorporation of Part B, until

sufficient evidence of trouble-free operation has been supplied to the CAA to warrant discontinuance of this inspection.

This supersedes Note 50-6-3.

50-20-1 CONTINENTAL ENGINES (Applies to all Model C145 engines, Serially numbered 3000 to 5031 inclusive, except: Nos. 3612, 4650, 4652, 4654, 4671, 4676, 4679, 4683, 4690, 4710, 4855, 4889, 4904, 4996, 4997, 5002 through 5021, 5023 through 5029.)

Compliance required by June 1, 1950, and each 25-hour period of operation thereafter. To minimize possible engine operation difficulty due to crankcase and/or cylinder barrel failures, the following inspection procedure should be accomplished as indicated.

(1) Visually inspect crankcase for cracks giving special attention to those areas around each cylinder base.

This portion of the inspection need not be accomplished on new type crankcases (P/N's 530836 and 530837) which are incorporated on all serially numbered engines above No. 4383, and on all engines overhauled by the manufacturer after September 1, 1949. This new type crankcase can be identified by thru-bolts (extending through both halves of crankcase) located ahead of the front cylinder and adjacent to nose oil seal. The old style crankcase (P/N's 6642 and 6643) requiring inspection, has studs at this location extending through one crankcase half only.

(2) Visually inspect cylinder barrels for cracks at the base flange fillet. *New flanged-type cylinder base nuts, Part Nos. 531001 and 531003 have been made available for service operation. This portion of the inspection may be discontinued upon accomplishing one additional 25-hour inspection including a torque check after installation of these new flanged nuts.*

During installation of new cylinder base nuts, special attention should be given to the removal of paint and burrs from the cylinder flange nut seat and to compliance with the engine manufacturer's torque limits of 500 plus or minus 10 in. lb. for the 7/16 studs and thru bolts, and 420 plus or minus 10 in. lb. for 3/8 studs. Improperly torqued nuts are a major contributing factor to cylinder barrel, cylinder base studs, and crankcase failures. The engines exempted from this inspection, as indicated above, have had the new flanged nuts installed at the manufacturer's plant.

Since small cracks are more easily detectable by oil leaks, it is recommended that each inspection include a run-up with a clean engine. (Continental Motors Corp., Service Bulletin No. M50-2 covers this same subject.)

This supersedes Note 50-18-4, the new material is indicated in italics above.

REVISION: Revise Note 49-19-1 for Curtiss Model C-46 aircraft so that the first sentence, immediately following the compliance statement, reads as follows: "(This Note pertains only to the powerplant fire protection aspects of the above Regulations. Separate Notes will be issued covering fire protection for the cabin heater installation and for the baggage and cargo compartments of the airplane)."

REVISION: Revise Notes 50-17-1 for Cessna Models 120 and 140 aircraft by changing the third sentence, first paragraph, to read as follows: "The front face of the spar and the spar reinforcing channel should then be carefully inspected for flange buckling or cracks *with at least an 8 power magnifying glass* in the bend radii and in the adjacent flange rivet or clearance holes in the region of the bottom rib attachment."

The new material is indicated in italics above.

REVISION: Revise A. D. Note 50-4-2 for Superior (Culver) Models V and V2 aircraft by changing the address at the end of the first paragraph to read as follows: "Superior Aircraft Company, University Airport, 2501 North Hillside, Wichita 15, Kansas. Telephone 26112."

REVISION: On A. D. card No. 50-14 in the revision concerning Note 49-44-2 for the Consol.-Vultee Model 240 aircraft, change the wording of Item 2 to read as follows: "Reinforce the left elevator leading edge ribs outboard of Station 111.6, and strengthen the means of attaching the rudder and both the left and right elevator balance weights. (CVAC Service Bulletin No. 240-176A covers this same subject.)"

50-22-1 PRATT & WHITNEY (Applies to all Military R-2800 B series engines installed in Certificated Curtiss C-46 aircraft (R-2800-21, -27, -41, -43, -51, -59, -63, -71, -75, -79).)

To be accomplished at next overhaul but not later than August 1, 1950, provided the following inspections are made: 1. *Prior to next flight, inspect impeller shaft end play as described below, and*

2. *Continue similar inspections thereafter at intervals not to exceed 40 hours of operation.*

The above inspections can be accomplished by removing the carburetor and measuring the end play of the impeller shaft at any convenient point. End play in excess of .010 inches is cause for accomplishment of the modification listed below.

Supercharger impeller thrust bearing failures with resulting complete loss of power have been reported; their failure is believed due principally to sludged oil feed passages. As a precautionary measure, it is recommended that the engine be operated with minimum use of high ratio supercharger and that particular attention be directed toward keeping oil sludge to a minimum and maintaining open oil screens until modifications (a) and (b) or (a) and (c) below have been accomplished.

(a) Install a modified thrust bearing plate in accordance with P&W Service Bulletin No. 847. This Service Bulletin covers the use of thrust plates No. 74576 modified to, or which already incorporate, four oil skates and enlarged (3/32") oil holes. Some R-2800-21, -27, -31, -41, -43, -51, -59, -63, -79 engines may already incorporate this part.

(b) Incorporate "outside in" lubrication system modification in accordance with methods approved by C. A. A. This modified system is similar to that incorporated in the R-2800-C engine configuration, and is covered by Pratt & Whitney Special Instruction No. 5F-50. Companies having C. A. A. approval of this modification or other modification which can be accomplished, are as follows:

Air Carrier Engine Service, Miami, Fla. (Bulletin No. B-12-48).

Aircraft Service Corporation, Miami, Fla. (Engineering Authorization No. 52).

American Airmotive, Miami, Fla. (Engineering Directive No. 28B-1-49).

Opa Locka Aircraft Engine Station, Opa Locka, Fla. (Dwg. No. 2800-01).

Pacific Airmotive, Linden, N. J.

Pacific Airmotive, Burbank, Calif. (Dwg. No. 648 B).

Slick Airways, Inc., San Antonio, Tex.

Pratt & Whitney Service Bulletin No. A-441, dated July 9, 1945, describes a similar modification. However, copies of this bulletin and the special engine parts required for this modification are no longer available from Pratt & Whitney.

(c) Alternative impeller bearing and lubrication system modifications are acceptable provided they accomplish essentially equivalent lubrication to that of (b) above. Modifications based on design data which differs from the above modifications require C. A. A. engineering approval.

This supersedes Note 50-7-2, the new material is indicated in italics above.

50-23-1 PIPER (Applies to all Model PA-17 aircraft and PA-15 aircraft equipped with PA-17 type landing gear shock struts.)

Compliance required by July 15, 1950. Inspect landing gear shock strut end fittings, Part No. 11806 (four per airplane) for cracks or other defects in the small bend radii. Replace fittings found to be defective. Excessive tightening of the attachment bolts may induce failure by restricting rotation of the fitting on the bolt, therefore, the end fittings should be installed free to rotate. (Piper Service Letter No. 129, dated October 28, 1949, covers the same subject.)

50-23-2 DOUGLAS (Applies to all Model DC-6 aircraft.)

To be accomplished as indicated below: 1. All P/N 5245424 and P/N 5248748 nose gear yoke end fittings which have not been shot peened in the journal radius prior to original installation or by subsequent rework should be removed for inspection after being in service for a period not to exceed 6,000 hours. Nose gear yoke end fittings which have already accumulated service time in excess of 6,000 hours should be removed for inspection as soon as practical but not later than September 1, 1950. Shot peening can be distinguished by the dull gray color and coarse surface of the shot peened area.

2. Fittings removed at the 6,000 hour period may be used for an additional 4,000 hours or a total service life of 10,000 hours if inspected and reworked as follows:

a. Strip anodic surface from part, and subject to Zyglo inspection paying particular attention to the journal radius. If no cracks are found, the radius should be polished to remove all blemishes and then shot peened. This inspection and shot peening must be done by the Douglas Aircraft Company, an agency approved by that company, or by a method that has been substantiated as being equivalent to the procedure recommended by the Douglas Company.

b. Inspect the base radius of the spot faces of the six mounting holes. Parts having zero radius (sharp corner) to 0.031 radius at this point must be reworked to obtain an 0.062 spot face radius. It will be permissible to increase the original spot face diameter of 1 1/8 inches to 1 1/4 inches to obtain the 0.062 radius. Parts having 0.031 or better radius need not be reworked. Parts should be re-anodized after completion of all work.

c. Inspect the inside diameter of the 2103390 ring. All sharp edges should be given a 0.031 radius.

d. Inspect the inside diameter of the flanged end of the 2333253 bushing to see that it has a 1/8 inch radius and rework if necessary.

3. Fittings shot peened at time of original installation may be operated for a maximum service period of 10,000 hours provided they do not have the zero spot face radius at the mounting holes. Parts falling in this category should be removed at the normal gear overhaul period of 8,000 hours for rework of the spot face radius.

4. All fittings should be scrapped after reaching a total service life of 10,000 hours.

(Douglas General Service Letter DC-6 No. 26 dated April 7, 1950, covers the same subject.)

REVISION: Revise Note 48-34-2 for sulphur dusting aircraft by deleting the following (first) sentence in the last paragraph: "Upon compliance with these measures, authorization for use of the aircraft in sulphur dusting will be entered in the operating limitations."

50-24-1 RYAN (NO. AMERICAN) (Applies to all Model Navion series aircraft prior to Serial No. NAV-4-1948, equipped with Landing Gear Fairings.)

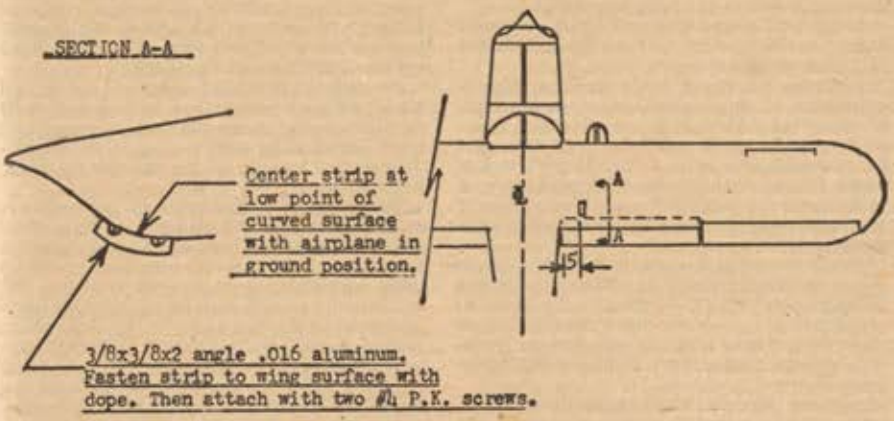
Compliance required at next periodic inspection but not later than October 1, 1950. The installation of landing gear fairings on the Navion series airplanes increases the load on the landing gear control lever when it is moved from the "up" to the "down" position. The increase in force has, in a few

instances, caused failure of the threaded end fitting. Part No. 145-58145-3, on the gear selector control rod. In order to preclude further failures of this nature, it will be necessary that the above-outlined rod end be replaced on airplanes incorporating landing gear fairings with a similar heat-treated rod end thoroughly checked for hardness in all areas. A rod end which has been thoroughly checked for hardness in all areas and which is identified by a dark gray-black color over the plating, is installed at the factory on airplane serial numbers NAV-4-1948 and subsequent, and is available for replacement purposes. (Navion Field Service Bulletin No. 8 covers this subject.)

50-25-1 PIPER-STINSON (Applies to All Model 108 Series Aircraft.)

Compliance required not later than September 1, 1950. Reports have been received of fuel seepage into the space between the inner cabin trim and the outer fabric covering of the fuselage. This results in soaking of the insulating material in the cabin wall. The source of the fuel can be spillage during filling of tanks, thermal expansion of fuel in full tanks, or tank leakage. This fuel runs to the under surface of the wing, adhering to the lower curved surface of the trailing edge of the wing at the flap well, thence inboard to the fuselage and across the rear window. Since the window seal is often not perfectly tight the fuel may then enter the cabin wall.

To preclude the fire hazard of fuel soaked insulation within the cabin wall due to these causes, a drip strip similar to that shown in the accompanying sketch should be installed on the underside of each wing. This drip strip will prevent fuel from flowing from the wing to the fuselage. (Piper Service Bulletin No. 115, dated March 31, 1950 covers this same subject.)



50-26-1 CURTISS-WRIGHT (Applies to all C-46A, D, E and F Aircraft.)

Compliance required not later than August 1, 1950, and at each 500 hours thereafter. Thoroughly inspect the landing gear side braces Parts Nos. 20-310-1028 and 20-310-1029 for cracks in the vicinity of the welds at either end of the struts, *using magnetic or X-ray inspection.*

If cracks are found, the following will apply:

1. *For one crack only in the weld proper less than ½ inch in length and 0.060 inches deep that doe not penetrate into the tube member itself, stress relieve by grinding out the crack and polishing to remove all grinding marks. No re-welding required.*

2. *For more than one crack in the weld proper or cracks larger than those mentioned in item 1 above that do not penetrate into the tube member itself, repair by grinding out the cracks and re-welding in a welding jig (using the oxyacetylene torch method) and re-heat treat the tube assembly to 180,000 psi. and Rockwell C-38.*

3. *If cracks are found in the tube member itself, the part should be replaced by a completely new assembly or repaired by replacing the tube and refabricating to the original specifications.*

This supersedes Note 50-19-1, the new material is indicated in italics above.

REVISION: Revise A. D. Note 50-7-1 for Ercoupe Models 415C, 415CD, and 415D aircraft by changing the compliance statement to read as follows: *"To be accomplished by September 1, 1950."*

50-28-1 BEECH (Applies to all Model AT-11 and C18S Aircraft.)

To be accomplished at next 100-Hour inspection and at each 100-hours inspection thereafter. Inspect the wing center section steel truss joints in the nacelle region for fatigue cracks using magnetic particle inspection with portable equipment as recommended by Beech Service Bulletin No. C18-11, dated February 1, 1950, and revised June 23, 1950. If cracks are found they are repairable within the limits of Part B of this Service Bulletin provided the oleo drag legs, Beech Part 734-188005, or the equivalent, are installed in accordance with the manufacturer's recommendations.

Upon installation of the oleo drag legs, the inspection period may be extended to 1,000-hour intervals.

Airplanes repaired in accordance with Beech Service Bulletin No. C18-8, dated November 10, 1948 (AD 48-50-2) are considered airworthy until such time as cracks are found on inspection when inspected in accordance with Part A of Beech Service Bulletin No. C18-11 dated February 1, 1950, (Revised June 23, 1950). Upon installation of the oleo drag legs and compliance with Part A of Beech Service Bulletin C18-11 in its entirety the inspection period may be extended to 1000-hour intervals.

Beech Service Bulletin No. C18-11 may be obtained from the Beech Aircraft Corporation, Wichita 1, Kansas. In requesting this bulletin from Beech, provide serial number and identification number of aircraft involved.

This supersedes Note 50-20-2.

50-29-1 CURTISS-WRIGHT (Applies to all Model C-46A, C-46D, C-46E and C-46F aircraft.)

Compliance required as soon as practical but not later than the next 25 hours of operation and at each 200 hours thereafter. Inspect the lower surface of the wing center section for loose rivets (5/32-A17ST modified brazier head) in the area of the front and rear spars between Stas. 82.5 and 107.5. If more than 50 rivets are found loose along either the front or rear spar on either R. H. or L. H. wing center section between the stations mentioned above, they should be replaced immediately following the procedure outlined by Civil Aeronautics Manual 18.20-3 (e) (4) (ii) (a).

If less than 50 rivets are found loose at any of the above specified locations, the rivets need not be replaced until the time of next major overhaul.

50-30-1 REPUBLIC (Applies to all Model RC-3 Aircraft.)

Compliance required within the next five hours of operation at each 25-hour period of operation or every six months, whichever occurs first. Cases of severe corrosion of the right and left upper and lower lift strut fittings, fuselage wing lift strut fittings and wing lift strut fittings have been reported. Since the strength of these fittings are of primary importance to the safe operation of the airplane, the following inspections should be made and corrective action taken.

Fitting 17W22002 is located on the upper end of the lift strut, and Fitting 17W22003 is located on the lower end of the lift strut. Fitting 17F11013 is located in the fuselage and is attached to Fitting 17W22003. Fitting 17W23004 is located in the wing and is attached to Fitting 17W22002.

Inspect thoroughly and test the fittings with a pointed instrument to determine whether corrosion is present. However, only the portion of Fitting 17W22004 which extends below the wing skin need be inspected unless corrosion is found on this part of the fitting. In that event, the wing skin should be removed sufficiently in accordance with manufacturer's instructions in order to facilitate a more complete inspection. A fitting may appear satisfactory but actually may be corroded under the surface. Such corrosion, which may be intergranular in nature, may actually result in a much greater loss of strength than would be indicated by the loss of metal from the surface. If the fitting has only slight surface corrosion, the corrosion should be carefully removed and the fitting should be suitably treated against further corrosion. Fittings which have deteriorated beyond slight surface corrosion should be replaced. (Republic Aviation Corporation Service Bulletin No. 25 covers this same subject in detail.)

REVISION: Revise A. D. Note 50-22-1 for Pratt and Whitney Military R-2800 B series engines installed in C-46 aircraft by adding the following companies to those listed in paragraph (b) as being approved to accomplish the pertinent engine modifications.

Miner's Aircraft Engine Service, Seattle, Washington.

Alaska Airlines, Inc., Everett, Washington.

American Air Service, Charlotte, North Carolina.

The Steward-Davis Co., Garden, California.

50-31-1 CESSNA (Applies to all Models 120 and 140 Aircraft, Serial Numbers 8001 to 15035, inclusive, on which the 0.051 reinforcing channel or 0.040 reinforcing angles have not been installed.)

Compliance required as soon as possible and not later than August 1, 1950 except as indicated below. Because two fin spar fatigue failures have occurred in flight, indicating inadequate inspection due to the difficulty of such inspection, the fin must be removed for inspection. Inspection can then be best accomplished by removing five rivets in the fin bottom rib skin attachment and all attaching rivets through the spar and doubler flanges to permit raising the adjacent skin. The front face of the spar and the spar reinforcing channel should then be carefully inspected for flange buckles or cracks with at least an 8 power magnifying glass in the bend radii and in the adjacent flange rivet or clearance holes in the region

of the bottom rib attachment. Modify in accordance with Item 1 or 2 herein:

1. If failure exists, the spar must be replaced with a spar incorporating an 0.051 24ST alclad fin spar reinforcing channel, Cessna Part No. 0431129, or equivalent.

2. If no failure exists, reinforcing angles, Cessna Part Nos. 0431145 and 1431145-1 or equivalent, must be installed. (Cessna Service Letter No. 62 dated April 10, 1950, covers this same subject.)

Some of the first airplanes were manufactured using spot welded instead of riveted construction. The following applies to these aircraft and should be accomplished not later than September 1, 1950:

Drill out center of spots with No. 30 drill. Carefully pry skin loose from spar and root rib using a thin lever. Inspect and accomplish 1 or 2 above replacing all drilled spot welds with 1/8" rivets as required. In case that sheet or underlying structure is left with a damaged hole which cannot be properly filled with a 1/8" rivet, replace with 5/32" rivet or add an additional 1/8" rivet on each side of damaged hole.

This supersedes Note 50-17-1, the new material is indicated in italics above.

CORRECTION: Revise A. D. Note 50-30-1 for Republic Model RC-3 (Seabee) aircraft by inserting the word "AND" at the end of the first line of the compliance statement, as follows: "Compliance required within the next five hours of operations and at-------- etc."

REVISION: Revise the first paragraph of Section I of A. D. Note 48-9-2 for Douglas Models DC-4 and C-54 aircraft to read as follows:

"I. Inspection required by April 1, 1948, and thereafter at intervals not to exceed 400 hours (or in the case of scheduled air carrier operators at each number three routine check period)."

50-32-1 CONTINENTAL ENGINES (Applies to all airplanes equipped with Continental Model E185-3 engines serially numbered 4514-D and below, E185-1 engines serially numbered 4556-D and below and E165-2 engines serially numbered 10024 and below. This includes Ryan (North American) Navion, Beech Model 35 and Luscombe Model 11A airplanes.)

Compliance required each 10 hours of operation as indicated. Note 49-2-4 describes an inspection procedure to preclude the possibility of sudden oil pump failure (and almost immediate complete engine failure resulting therefrom) due to shearing of the square corners of the oil pump drive gear shaft.

There have been a few recent oil pump failures which could have been avoided by continuation of periodic wear checks of the oil pump drive until the related parts are proven satisfactory by tear-down inspection and/or replacement. Therefore, the following should be accomplished on all engines in the serial number ranges indicated above which have not already complied with Continental Service Bulletin No. M48-15: Remove tachometer drive cable and insert tapered flat end of Continental Drive Fit Indicator (P/N 530757) in slot of tachometer drive shaft, tapping slightly to be sure it is tight in place. By holding the graduated indicator with one finger, and moving the bar with another, a reading (in degrees) of total back lash is obtained. Total back lash should not exceed 15°.

If total back lash does not exceed 15°, the wear check should be repeated at 10-hour intervals until the engine is overhauled and oil pump parts are dimensionally inspected and/or replaced, to determine whether or not excessive wear is accumulating. An accumulation of an additional 5° indicated wear in 20 hours, over the original reading, whether a total of 15° is reached or not, is sufficient to warrant replacement of parts as hereafter noted.

A reading of more than 15° on the indicator indicates excessive wear, a potential failure, and requires immediate replacement of worn parts prior to further operation of the airplane. Parts affected include the oil pump drive gear, oil pump housing, accessory case, and cam gear. The cam gear need not be replaced if concentricity check shows total runout of square hole to be less than .0006 inch.

At the time of major overhaul (or first disassembly), oil pump drive parts as per Continental Service Bulletin No. M48-15, should be checked and replaced if necessary. These parts are the oil pump drive gear and cam gear.

The wear check can be made at any Continental Authorized Service Station, and involves only a few minutes for accomplishment. (Continental Service Bulletins Nos. M48-14, with supplements Nos. 1 and 2, and M48-15, cover this same subject.)

This supersedes Note 49-2-4, the new material is indicated in italics above.

REVISION: Revise A. D. Note 50-32-1 for Continental Engines by making the following changes in the fifth paragraph:

1. Change the third word to read "of," so that it reads "A reading of more than 15°— etc."

2. Change the last words of the paragraph from "0.0006 inch" to read "0.004 inch."

50-34-1 KOPPERS PROPELLER (Applies to all aircraft equipped with Model F200 "Aeromatic" Propellers (does not apply to "Aeromatic Model 220 Propellers.)").

Compliance required as soon as possible; but in no case later than first 500 hours of propeller operation except as noted below, or later than January 1, 1951, whichever comes first. 1. Stinson Model 108-2 and 108-3 Aircraft: Compliance required no later than first 200 hours of propeller operation.

2. Stinson Model 108 and 108-1 Aircraft: Compliance required no later than first 400 hours of propeller operation.

3. If the total propeller operation time is unknown, or if a reasonably accurate estimate of total time can not be made, compliance is required not later than the next 50 hours of operation. (Except for Stinson series aircraft, compliance is required by not later than the next 50 hours of operation if the total operation time as of August 29, 1949 exceeds 500 hours.)

Blade retaining flanges, P/N 3277 must be replaced with P/N 3277-1. When this change is accomplished a "-1" (dash one) is to be suffixed to the propeller assembly number on the nameplate to indicate compliance. Koppers Service Bulletin No. 24 covers this same subject.

Stinson Models 108-2 and 108-3 only: (Compliance Required by May 16, 1949.) To avoid the possibility of crankshaft or propeller failures resulting from excessive torsional vibration in the 2,700 to 2,800 rpm. range, all engine operation must be restricted to 2,650 rpm. maximum and propeller readjusted in accordance with Koppers Service Bulletin No. 22. As a further safety measure it is required that propellers which have accumulated any operating time in the 2,650 to 2,800 rpm. range be equipped with new blade retainer flanges P/N 3277-1. (Koppers Service Bulletin No. 23-E covers this same subject.)

This supersedes Note 49-42-1, for the purpose of clarifying the date of compliance.

REVISION: Revise A. D. Note 50-30-1 for Republic Model RC-3 (Seabee) aircraft by changing the last sentence of the note to read as follows: "(Republic Aviation Corporation Service Bulletin No. 25 and Supplement No. 1 to Service Bulletin No. 25 cover this same subject in detail.)"

REVISION: Revise A. D. Note 50-28-1 concerning Beech Model AT-11 and C18S aircraft by adding, as a fifth paragraph, the following: "In lieu of compliance with the above inspection at the next 100 hours inspection period, the aircraft may be operated an additional 100 hours provided the affected areas of the steel truss are given a daily visual inspection using an 8-power magnifying glass after the affected joints are thoroughly cleaned of all grease and dirt and other foreign material. If cracks are found on visual inspection the truss must be given magnetic particle inspection together with full compliance with Beech Service Bulletin No. C18S-11 revised June 23, 1950."

50-36-1 CONSOL-VULTEE (Applies to all Model 240 aircraft incorporating original type nose strut inner cylinders, Bendix P/N 155295.)

Compliance required at next No. 1 operation unless already accomplished, on all nose landing gear struts whose total time exceeds 1,000 hours, and at each No. 3 operation thereafter. Due to recently reported failures of the nose strut inner cylinder the following is required:

Visual inspect P/N 155285 with an eight power or higher glass for cracks in the area below the scissors lug boss approximately four inches above axle housing paying particular attention to the machined radius just below the scissors lug boss. Clean and remove paint from this area. Any evidence of cracks will require replacement of part. Parts with cracks may be repaired in accordance with the limits and procedures specified in Bendix Service Bulletin LG 518. CVAC Service Bulletin 240-366 is reprint of Bendix Bulletin LG 518.

This supersedes Note 50-10-1 (and Revisions 50-11 and 50-33) for the purpose of revising the compliance statement.

REVISION: Revise A. D. Note 49-38-1 (for Convair Model 240 aircraft) on page 77 of the A. D. Summary dated January 1, 1950 so that the applicability statement reads as follows: "Applies to all Model 240 aircraft incorporating original type nose strut outer cylinder, Bendix Part No. 156842."

50-37-1 LUSCOMBE (Applies to all Model 8C airplanes with a Continental A-75 carburetor engine installed but not equipped with either wing fuel tanks, or an engine-driven fuel pump and the Chevrolet AC-R1 hand pump.)

To be accomplished prior to the next annual inspection, but in no case later than October 1, 1951. It has come to our attention that some Luscombe 8C airplanes equipped with carburetor engines and fuselage fuel tanks are in service without appropriate modifications to the fuel system. Because of the marginal rate of fuel flow which can exist with the gravity feed fuselage fuel tank, engine failure may occur during take-off and climb under low fuel conditions. To eliminate this hazard, the airplane should be modified to provide either an engine-driven fuel pump and a hand operated Chevrolet AC-R1 wobble pump, or two 11.5 gallon wing fuel tanks and revised fuel system replacing the 14 gallon fuselage tank system.

It is suggested that operators involved contact Luscombe Airplane Corporation, Dallas, Texas, for appropriate information to accomplish the required modification.

REVISION: Revise A. D. Note 50-4-2 concerning Superior (Culver) Model V and V2 aircraft by extending the compliance date to read "December 1, 1950" in lieu of "April 1, 1950."

50-38-1 NO. AMERICAN (Applies to all Model AT-6 series aircraft.)

To be accomplished at the next annual inspection and at each succeeding annual inspection thereafter. Several recent incidents have indicated that the inspections presently required are not sufficiently comprehensive to reveal all areas of the airplane which may have been adversely affected by

inter-granular corrosion, and that the required inspections should be repeated periodically. Accordingly, in order to minimize the possibility of structural failure due to such corrosion, the following must be accomplished:

Inspect all accessible structural aluminum alloy components for evidence of inter-granular corrosion, particularly in the following locations: At the upper and lower deck and the most forward and two aft bulkheads in the monocoque fuselage; frame around the baggage door; inboard end of horizontal stabilizer spars; fuel cell doors in the wing center section; wing attach angles; two inboard ribs on each outer wing; trailing edge ribs above flaps; and the outboard rib of the wings, especially at the trailing edge. Full use should be made of all access provisions to accomplish as thorough an inspection as possible.

In conducting these inspections, full reliance cannot be placed on visual examination alone. A screwdriver or other instrument should be used to explore for dull sounding areas and for material which may be penetrated easily by pressure applied to the screwdriver tip or similar sharp point. Areas adjacent to joints and sheared edges should be examined thoroughly.

Formed material in particular has been found to be subject to rapid inter-granular corrosion, because of poor heat treatment of parts which were formed in the annealed condition, and later heat treated.

All corroded parts must be replaced.

This supersedes Note 47-41-1.

50-38-2 BELL (a) (Applies to all Models 47 B, 47 B-S, 47 B3, 47 B3-S, 47 D, 47 D-S.) (b) (Applies to Model 47 D1, Serial Numbers 145 through 164, 174 through 183.)

Compliance required before November 15, 1950. Service difficulties have been experienced involving fan bearing failure due to improper adjustment of the cooling fan belt. This allows the cooling fan to move forward and jam the cyclic controls. To prevent such failures, fan belt tension should be properly adjusted. In addition a fan shaft washer should be incorporated to prevent the fan from jamming the cyclic control in case bearing failure does occur.

Bell Service Bulletin No. 61 dated July 20, 1950 covers this subject for models under (a).

Bell Service Bulletin No. 72 dated August 4, 1950 covers this subject for models under (b).

50-39-1 CESSNA (Applies to all Models 190 and 195 Aircraft.)

Inspection required not later than November 25, 1950 on aircraft having 300 hours or more service and at each 100 hours operation on all aircraft. Service experience has indicated that close inspection of rudder cables is necessary in order to detect premature cable fraying at the forward pulley. Due to the difficulty of inspection and since some failures may have occurred in core strands, the following methods are recommended: Detach the rudder cable from the rudder bellcrank in the aft fuselage or at the rudder horn at the pedal and pull the cable through the inspection openings immediately aft of the rudder pedal or through the tunnel at the aircraft centerline in the cabin. The cable should then be carefully inspected, by flexing, at a point 9 to 10 inches aft of the swaged fitting at the forward end of the cable for broken strands. Replace all cables showing signs of breakage.

50-40-1 BOEING (Applies to all Model 377 Aircraft.)

A. *Compliance required not later than December 1, 1950, unless already accomplished, and at the periodic inspections nearest a 700-hour interval thereafter if not reinforced as indicated below:* Thoroughly inspect the nose gear spindle for circumferential cracks in the area adjacent to the weld between the nose gear spindle shaft, Part No. 9-13735, and the spindle bearing, Part No. 6-25978. Since these cracks are extremely fine, a close magnaflux or equivalent inspection is required. (Etching process is not recommended.)

If cracks are found, either of the following steps should be taken:

(1) Remove the cracks with ⅜ inch diameter grinding tool such that not more than .08 inch of the spindle shaft and not more than .10 inch of the weld is removed. (Boeing Service Letter No. 94 covers this subject.)

If cracks extend beyond these limits the spindle should be reinforced per item (2) below:

(2) Reinforce the nose gear spindle by machining inside of spindle and inserting a ½" wall steel tube 25 inches long, Part No. 5-39516-3. (Boeing Service Letter No. 138A covers this same subject.)

B. (*Part No. 15-22594.*) *Compliance required not later than February 1, 1951 unless already accomplished, and at the periodic inspections nearest a 700-hour interval thereafter if not reworked as noted below:* Thoroughly inspect the nose landing gear terminal, Part No. 15-22594, for cracks in the trapezoidal cutout. This cutout is visible by removing the cover plate on the lower end of the strut and turning the nose wheel gear segments.

If cracks are found, the top and vertical sides of the cutout should be ground off to a 0.25 inch radius. (Boeing Service Letter No. 148 covers this subject.)

50-41-1 TAYLORCRAFT (Applies to all Model B series aircraft, Serial No. 1001 and up.)

Compliance required not later than November 15, 1950. Reports have been received of interference between the elevator horn bolt and the fin cover plate apparently caused by improper field installation of the cover plate through bolt. Cases are known where the bolt has worn through the cover plate and such interference may result in jamming of the elevator control system. An inspection of the parts should be made and if evidence of interference is noted, suitable means of preventing the cover plates from interfering with the elevator horn bolt should be incorporated; a spacer bushing installed around the cover plate through bolt is considered satisfactory. (Taylorcraft, Inc. Service Bulletin 65 covers this same subject.)

50-41-2 MARTIN (Applies to all Model 202 aircraft.)

Compliance required not later than December 1, 1950. To maintain a sufficient hydraulic reservoir capacity for the operation of the hydraulic units in the event of a failure in the emergency brake system, install a hydraulic fuse (Simonds P/N G45-6E-402-80) or equivalent, adjacent to the main line tee in the emergency brake system between the main line and the emergency brake accumulator. (Martin 202 Service Bulletin No. 105 covers this same subject.)

50-42-1 BEECH (Applies to Model A35 aircraft, Serial Nos. D-1501 to D-2200 inclusive not having the cambered elevator tabs installed.)

Compliance required at next 100 hours inspection but not later than November 15, 1950. All aircraft should be modified as follows:

(1) Replace the elevator tabs (non-cambered) with cambered tabs (lower surface cambered) Part No. 35-660040-52 and -53; or (2) Restrict rear c. g. limit by appropriate revisions to loading schedules and Airplane Flight Manual to comply with the following c. g. limits:

(+83.7) to (+84.4) at 2,650 lb.

(+75.9) to (+84.4) at 2,140 lb. or less

Straight line variation between forward c. g. limits.

Beech Service Bulletin No. A35-8 dated April 3, 1950, covers this same subject.

50-43-1 DOUGLAS (Applies to all Model DC-6 Aircraft.)

To be accomplished on or before the next major inspection where facilities are available and in any event by December 15, 1950, unless already accomplished at last previous tire change, and thereafter at the regular major inspection nearest to 330 hours. This *inspection period may be extended to tire replacement periods by the assigned CAA agent when the airline's service experience indicates that a satisfactory level of safety is being maintained.* Remove the tires from all Goodyear main wheels, Model L20HBMF, wheel assemblies 9540049 and 9540332, and thoroughly inspect by Zyglo or equivalent methods the critical areas of the wheel, such as:

1. Brake drive flange area.
2. Tire bead radius of the fixed flange.
3. Tire bead seat radius of the demountable flange.
4. Radius of the demountable flange step.
5. The flange retaining ring groove in the wheel.

If cracks are found in any of the critical areas at one of these inspections, the wheel should be retired from service.

REVISION: Revise A. D. Note 50-28-1 for Beech Model AT-11 and C18S aircraft, the fifth line of the first paragraph, by deleting the words "the equivalent" and substituting "Martin Part 90-1000001" in lieu thereof.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 605, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 555)

[SEAL] LEONARD W. JURDEN,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-10645; Filed, Dec. 5, 1950; 8:56 a. m.]

[Supp. 7, Amdt. 58]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

The Ship Shoal Island, Virginia, area, published on June 23, 1949, in 14 F. R. 3393, is amended by changing the "Time of Designation" column to read: "Continuous".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 1, 1950.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 50-11059; Filed, Dec. 5, 1950; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

REVISION OF CHAPTER

Effective thirty days after publication in the FEDERAL REGISTER, Chapter III, Title 12, Code of Federal Regulations, is revised to read as set forth below. After consideration of all relevant matter presented on the proposed changes, published in the FEDERAL REGISTER of November 14, 1950 (15 F. R. 7724), the substance of such changes has been incorporated in this revision. Proposed § 327.1 (a), defining the term "cash item" has been modified with reference to banks with branches and to the payment of checks and drafts. Proposed § 328.4, relating to advertisements in non-English language, has been modified and changed to § 328.2 (e). Addftional exemptions to the requirement of using the official advertising statement have been added as § 328.2 (c) (11)–(20). Proposed § 328.2 (c) (7) has been modified. As these changes enlarge the rights of insured banks, notice of them as proposed rules is found to be unnecessary.

Special purpose funds, defined in § 326.1 (d), include, among others and without limitation to those mentioned here, escrow funds, funds held as collateral security for an obligation due the bank or others, withheld taxes, funds held for distribution or for purchase of securities or currency, or funds held by the bank to meet its acceptances or letters of credit. The Corporation has consistently interpreted the term "deposit", as defined in the Federal Deposit Insurance Act since 1935, to include special purpose funds as defined in § 326.1 (d). These special purpose funds are also deposits by general usage. This clarification is made with the realization that some or all of the funds defined as special purpose funds in § 326.1 (d) may be within the term "deposit" as defined in the Federal Deposit Insurance Act since 1935.

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

Subchapter A—Procedure and Rules of Practice

PART 301—INTRODUCTORY

§ 301.1 *Scope.* The rules contained in this subchapter are promulgated pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237), the Federal Deposit Insurance Act (Act of Sept. 21, 1950, Pub. Law 797, 81st Cong.), and other applicable laws. In accordance with the provisions of section 3 (a) (2) of the Administrative Procedure Act (sec. 3 (a) (2), 60 Stat. 238) they state the general course and method by which the Corporation's functions with respect to deposit insurance are channeled and determined, including the nature and requirements of formal or informal procedures available as well as forms and instructions as to the scope and contents of papers and reports. This subchapter also includes appropriate provisions with respect to rule making, adjudications, and hearings, as prescribed by law.

Proceedings by the Corporation within the meaning of this subchapter include:

(a) The formulation and promulgation of rules and regulations, including amendments thereto or the repeal thereof;

(b) The disposition of applications, requests, and submittals;

(c) Formal hearings and adjudications.

(Sec. 9, Pub. Law 797, 81st Cong.)

PART 302—FORMULATION AND PROMULGATION OF RULES AND REGULATIONS

Sec.
302.1 Notice.
302.2 Public participation.
302.3 Formulation of rules.
302.4 Petitions.
302.5 Effective date.
302.6 Exceptions.
302.7 Amendment and repeal.

AUTHORITY: §§ 302.1 to 302.7 issued under sec. 9, Pub. Law 797, 81st Cong.

§ 302.1 *Notice.* General notice of proposed rule making, including amendments thereto or repeal thereof, will be published in the FEDERAL REGISTER, except as specified in § 302.6, or otherwise excepted by law. Such notice will include either the terms or substance of the proposed rule or a description of the subjects and issues involved, reference to the authority under which the rule is proposed, and a statement of the time, place, and nature of the public proceedings for making the rule.

§ 302.2 *Public participation.* Interested persons will be afforded an opportunity to participate in the making of any rule, except as specified in § 302.6, or otherwise excepted by law, through the submission of written data, views, or arguments, unless the board of directors shall specifically provide an opportunity for the oral presentation thereof.

§ 302.3 *Formulation of rules.* After consideration of all relevant matter presented, the Committee on Administration will submit its recommendations to the board of directors and, in collaboration with appropriate Divisions, will prepare drafts of any proposed rules or amendments. The board of directors will take such action thereon as it deems appropriate and in any rule adopted will incorporate therein a concise general statement of its basis and purpose.

§ 302.4 *Petitions.* Any interested person may petition the Corporation for the issuance, amendment, or repeal of any rule by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition should be submitted to the Secretary.

§ 302.5 *Effective date.* Any rule issued by the Corporation will be published or served not less than thirty (30) days prior to the effective date thereof except as specified in § 302.6 or otherwise excepted by law.

§ 302.6 *Exceptions.* Whenever the Corporation finds that notice of, and public participation in, rule making is impracticable, unnecessary, or contrary to the public interest, or there is good cause why the effective date of any rule should not be deferred for thirty (30) days, the provisions of §§ 302.1, 302.2, and 302.5 shall not apply; and any such rule when published will incorporate the finding and a brief statement of the reasons therefor.

§ 302.7 *Amendment and repeal.* The right to alter, amend, or repeal the whole or any part of any rule except as otherwise provided by law, is expressly reserved.

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Sec.
303.1 Application by nonmember bank for deposit insurance.
303.2 Application by State nonmember insured bank to establish, operate, or move a branch.
303.3 Application by State nonmember insured bank to change location of main office.
303.4 Application by insured State nonmember bank to reduce or retire capital.
303.5 Application by insured bank to merge or consolidate with, or assume deposit liabilities of, or transfer assets to, a noninsured bank.
303.6 Application by State nonmember insured bank to extend its corporate or charter powers.
303.7 Application to continue or resume insured status.
303.8 Applications for exemption from advertising requirements.
303.9 Other applications.
303.10 Procedure on applications.
303.11 Notice of disposition of application.

AUTHORITY: §§ 303.1 to 303.11 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 5, 6, 8, 18, 19, Pub. Law. 797, 81st Cong.

§ 303.1 *Application by nonmember bank*[1] *for deposit insurance.* Application for deposit insurance by an existing or proposed State nonmember bank should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank or proposed bank is or will be located. Any such application (a) by an existing bank must be accompanied by separate applications for the consent of the Corpora-

[1] A nonmember bank is a bank which is not a member of the Federal Reserve System.

tion to the continued operation of each branch which it proposes to continue to operate; (b) by a proposed bank must be accompanied by a separate application for the consent of the Corporation to establish and operate each proposed branch. The appropriate forms of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)[2]

§ 303.2 *Application by State nonmember insured bank to establish a branch.*[3] Application by a State nonmember insured bank (except a District bank) to establish and operate a new branch should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

§ 303.3 *Application by State nonmember insured bank to move main office or branch.* Application for the consent of the Corporation to move the main office or branch of a State nonmember insured bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

§ 303.4 *Application by insured State nonmember bank to reduce or retire capital.* Application for the consent of the Corporation to the reduction in the amount, or retirement of any part, of the common or preferred capital stock, or retirement of any part of the capital notes or debentures, of an insured State nonmember bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

§ 303.5 *Application for conversion, merger, consolidation, assumption and sale of asset transactions*—(a) *With noninsured bank or institution.* Application by an insured bank for the consent of the Corporation to merge or consolidate with a noninsured bank or institution, or to convert into a noninsured institution, or to assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution, or to transfer assets to any noninsured bank or institution in consideration of the assumption of liability for any portion of the deposits made in such insured bank, together with copies of all agreements or proposed agreements relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the insured bank is located. The appropriate form of application and instructions for completing the form as well as instructions concerning notice to depositors, may be obtained upon request from the office of said Supervising Examiner.

(b) *Conversion with diminution of capital or surplus.* Application for the consent of the Corporation to convert into an insured State nonmember bank (except a District bank)—when the conversion will result in the converted bank having less capital stock or surplus than the converted bank at the time of the shareholders' meeting approving such conversion—together with copies of the charter and/or articles of association of the converted bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the insured bank is located. The appropriate form of application and instructions for completing the form may be obtained upon request from the office of said Supervising Examiner.

(c) *Merger, consolidation or assumption with diminution of capital or surplus.* Application for the consent of the Corporation to merge or consolidate under the charter of a State bank, or assume the liability to pay any deposits made in another insured bank—when the resulting or assuming bank is to be an insured State nonmember bank (except a District bank) and where the capital stock or surplus of the resulting or assuming bank will be less than the aggregate capital stock or aggregate surplus, respectively, of all the merging or consolidating banks or of all the parties to the assumption of liabilities, at the time of the shareholders' meetings which authorized the merger or consolidation or at the time of such assumption—together with copies of all agreements or proposed agreements, charters and articles of association relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the resulting or assuming bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the office of said Supervising Examiner.

§ 303.6 *Application by State nonmember insured bank to extend its corporate or charter powers.* Application for the consent of the Corporation to the extension of the corporate or charter powers of a State nonmember insured bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

§ 303.7 *Application to continue or resume insured status.* Application under § 327.3 (c) of this chapter by a bank whose insured status has been terminated, to be permitted to continue or to resume its status as an insured bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. Such application should be (a) in writing; (b) signed by the president, or cashier, or other managing officer of the bank; (c) accompanied by a certified copy of the resolution of its board of directors authorizing the submission of such application; and should contain (d) a statement that the bank's insured status has been terminated, the date thereof, and the basis therefor, that the insurance of its deposits has not ceased, and that it applies for permission to continue or resume its status as an insured bank; and (e) the reasons why the continuance or resumption of such status should be permitted by the Corporation.

§ 303.8 *Application for use of other official sign or for exemption from advertising requirements.* Any application made by an insured bank under any of the provisions of Part 328 of this chapter should be filed with the Division of Examination of the Corporation at its principal office. Such application should (a) be in writing; (b) be signed by the president, or cashier, or other managing officer of the bank; and (c) state, in conformity with the particular provision in respect of which the application is made, the reason for the request in detail and the reason why the application should be granted and in case of an official sign should be accompanied by a sample of the proposed sign.

§ 303.9 *Other applications.* Except as otherwise provided by rule or regulation, all applications, requests, and submittals for which no form of application has been prescribed by the Corporation, should be (a) in writing; (b) signed by the applicant or his duly authorized agent; and (c) should contain a statement of the applicant's interest therein, a complete and concise statement of the action requested and the reasons and facts relied upon as the basis for such requested action; and should be addressed to the Secretary at the principal office of the Corporation. The applicant shall furnish such other pertinent information as may be required by the Corporation.

Whenever applicable the forms specified in Part 304 of this subchapter should be used and the instructions issued with respect thereto should be followed and submission made as therein provided.

§ 303.10 *Procedure on applications.* With respect to applications for deposit insurance under § 303.1, the Division of Examination of the Corporation will cause an investigation to be conducted, and an examination to be made of the

[2] For information concerning applications for deposit insurance by national nonmember banks, inquiries should be addressed to the Chief of the Division of Examination, Washington 25, D. C.

[3] "The term 'branch' includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in any Territory of the United States, Puerto Rico, or the Virgin Islands at which deposits are received or checks paid or money lent." (Sec. 3 (o) (Pub. Law 797, 81st Cong.))

bank or proposed bank; and the board of directors will thereafter, in accordance with applicable provisions of law, act upon such application, the report of such investigation and examination, the recommendations thereon of the examiner and Supervising Examiner of the District in which the bank is or will be located, of the Division of Examination and of the Board of Review, and the legal opinion of counsel for the Corporation. The applicant bank will be duly advised of the board's decision upon such application.

With respect to all other applications, requests, or submittals the board of directors will cause such an investigation or examination, or both, to be made by the proper Divisions of the Corporation, as the board shall deem appropriate, and upon the report of such investigation and examination, and the recommendations thereon, will take such action as it shall deem necessary or appropriate in the premises.

§ 303.11 *Notice of disposition of application.* Prompt notice will be given of the grant or denial, in whole or in part, of any written application, petition, or other request of any interested person made in connection with any agency proceeding. In the case of a denial, except in affirming a prior denial, or where the same is self-explanatory, such notice will be accompanied by a simple statement of procedural or other grounds.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

Sec.

AUTHORITY: §§ 304.1 to 304.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 5–8, 10, 18, 19, Pub. Law 797, 81st Cong.

§ 304.1 *Certified statements.* The certified statements required to be filed by insured banks in accordance with the provisions of section 7 of the Federal Deposit Insurance Act shall be filed with the Fiscal Agent of the Corporation upon the forms, and in the manner, and pursuant to the instructions prescribed by the board of directors; and the assessments required to be certified must be paid to the Corporation at the time such statements are required to be filed. The form of certified statement and instructions for completing the same will be furnished to all insured banks by, or may be obtained upon request from, the Fiscal Agent.

§ 304.2 *Reports of condition, etc.* Whenever required by the board of directors pursuant to law, insured State nonmember banks (except District banks) should file reports of condition, reports of earnings and dividends, and summaries of deposits, with the Division of Research and Statistics upon the forms, and in the manner, and pursuant to the instructions, prescribed by the board of directors from time to time. The form of such reports and instructions for completing the same will be furnished to all such banks by, or may be obtained upon request from, the Division of Research and Statistics.

§ 304.3 *Forms and instructions.* The following forms and instructions have been prepared by the Corporation for the use of banks and may be obtained by any person properly and directly concerned therewith upon request at the office designated in this chapter:

(a) *Form 82:*[1] *Application of Proposed Bank (other than mutual savings) for Federal Deposit Insurance.* The proposed incorporators are required to make statements and representations and to submit information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act. The application on Form 82 must be executed in quadruplicate. Three applications signed by the proposed incorporators must be forwarded to the Supervising Examiner and the other application retained by the prospective incorporators. Applications filed on Form 82 must be accompanied by a certified copy of the proposed Articles of Incorporation or Association and the requisite number of properly executed Forms 83. After incorporation is duly effected, the bank must submit a properly executed Form 82a.

(b) *Form 82–M:*[1] *Application of Proposed Mutual Savings Bank for Federal Deposit Insurance.* Form 82–M, which is substantially the same as Form 82, should be used when the proposed bank is to be a mutual savings bank, and should be prepared and submitted in the same manner as Form 82.

(c) *Form 82a and Form 82a–M: Certificate of Adoption of Resolution.* Form 82a is a copy of the Resolution of the board of directors (or trustees) of the bank approving the action of the prospective incorporators in preparing and presenting its application for Federal deposit insurance on Form 82 or 82–M, certified to be a true and correct copy by the president or vice president and cashier or secretary. After incorporation has been duly effected and the bank is chartered to do business by the proper state authority, four properly executed Forms 82a must be transmitted to the Supervising Examiner. If not previously submitted, Form 82a must be accompanied by a copy of the bank's Articles of Incorporation or Association and a copy of the bank's license or authorization to engage in the business of receiving deposits.

(d) *Form 84:*[2] *Application for Federal Deposit Insurance by an existing noninsured State bank (other than mutual savings).* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act, and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by such officers and the bank's corporate seal affixed thereto. Three signed applications must be forwarded to the Supervising Examiner and the other application retained by the bank as part of its permanent records. Applications filed on Form 84 must be accompanied by the requisite number of properly executed Forms 83 and a certified copy of the Articles of Incorporation or Association, including any amendments thereto.

(e) *Form 84–M:*[2] *Application for Federal Deposit Insurance by an existing noninsured mutual savings bank.* Form 84–M, which is substantially the same as Form 84, should be used by mutual savings banks, and should be prepared and submitted in the same manner as Form 84.

(f) *Form 83 and Form 83–M: Financial statement.* Form 83 must be executed in triplicate and certified to be true and correct by each individual director (or trustee) and officer of the bank or proposed bank (who is solely responsible for its contents) for the benefit of the board of directors of the Corporation in determining, with respect to the applicant bank, the general character of its management in accordance with section 6 of the Federal Deposit Insurance Act. The requisite number of properly executed and signed Forms 83 must accompany each application on Form 82, Form 82–M, Form 84, or Form 84–M.

(g) *Form 85, Form 85a and Form 85b: Application of State nonmember insured bank (except District bank and mutual savings bank) to establish or move its main office or branch.* (1) Form 85 is an application to establish a branch. The applicant bank is required to submit statements, representations and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by the president or vice president, have the corporate seal of the bank affixed thereto, and be attested by the cashier or secretary. Three signed applications must be forwarded to the Supervising Examiner and the other application retained in the files of the bank as part of its permanent records. The application must be accompanied by a certified copy of the bank's Articles of Incorporation or Association, including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(2) Form 85a is an application to move main office or branch. It is similar to Form 85 and should be prepared and submitted in the same manner as Form 85.

(3) Form 85b is an application to establish a branch pursuant to designation as depositary and financial agent of the United States Government. It is similar to Form 85 and should be pre-

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[1] If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82 must be accompanied by a properly executed Form 85 for each branch. Form 85–M is to be used where the proposed bank is to be a mutual savings bank.

[2] If the bank has a branch or branches, its application on Form 84 must be accompanied by a properly executed Form 85 for each branch. Form 85–M is to be used where the bank is a mutual savings bank.

pared and submitted in the same manner as Form 85.

(h) *Form 85-M and Form 85a-M: Application by insured nonmember mutual savings bank to establish a branch or move its main office or branch.* (1) Form 85-M is substantially the same as Form 85 and should be prepared and submitted in the same manner as Form 85.

(2) Form 85a-M is substantially the same as Form 85a and should be prepared and submitted in the same manner as Form 85.

(i) *Form 100: Application for Consent to Retirement of Common or Preferred Stock, Capital Notes, or Debentures.* The applicant bank is required to submit statements with respect to the nature of the proposal, source of funds to effect the proposal, and other steps involved in the retirement. The application contains a statement of assets and liabilities and the disposition of certain assets adversely classified in the preceding Report of Examination made of the bank by examiners of the Corporation. Three applications certified to be true and correct and signed by the president or cashier of the bank must be forwarded to the Supervising Examiner.

(j) *Form 102: Application.* Form 102 should be used by all banks applying for the consent of the Corporation with respect to any application requiring such consent and for which no specific form is prescribed by this section or otherwise. The form contains a copy of the resolution of the bank's board of directors describing the proposal and authorizing the application, a statement of the action taken upon the proposal by the proper state banking authority, where such action is required, and must be signed by the president or vice president and attested by the cashier or secretary. The application must be accompanied by a copy of the bank's Articles of Incorporation or Association including any amendments thereto unless previously submitted to the Corporation and not subsequently amended. The application must be executed in quadruplicate. Three signed applications must be submitted to the Supervising Examiner of the District wherein the bank is located and one copy retained in the bank's files.

(k) *Form 64 (Short form): Report of Condition (from banks other than mutual savings).* Form 64 is a report in the form of a standard statement of the Assets and Liabilities of the reporting bank together with additional detailed breakdown of selected items. When special circumstances so require, additional detail with respect to specific asset or liability items may be required. Reports of Condition must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the preparation of Report of Condition on Form 64 (Short form)", copies of which are furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research and Statistics.

(l) *Form 64 (Savings): Report of Condition (from mutual savings banks).* Form 64 (Savings) is substantially the same as Form 64 (Short form) and should be used by mutual savings banks.

(m) *Form 73: Report of Earnings and Dividends (from banks other than mutual savings).* Report of Earnings and Dividends, Form 73, is a report in the form of a standard profit and loss statement and a reconciliation of changes in total capital accounts during the year. When special circumstances so require additional detail with respect to specific income or expense items, charge-offs or recoveries, profits on assets sold, or changes in total capital account may be required. Reports of Earnings and Dividends must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the preparation of Report of Earnings and Dividends on Form 73", which is furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research and Statistics.

(n) *Form 73 (Savings): Report of Earnings and Dividends (from mutual savings banks).* Form 73 (Savings) is substantially the same as Form 73 and should be used by mutual savings banks.

(o) *Form 89: Summary of Deposits.* Report of Summary of Deposits is a report of the number of deposit accounts and the amount of deposits in such accounts grouped by size of account and type of deposit. Summary of deposit reports must be prepared in accordance with instructions contained in the pamphlet entitled "Instructions for preparation of Form 89", which is furnished by the Corporation to all insured banks and which may be obtained on request from the Division of Research and Statistics.

(p) *Form 545: Certified statement.* A Form 545 must be submitted on or before January 15 and July 15 of each year by every insured bank except newly insured banks which must submit their First Certified Statement on Form 645. Form 545 shows the deposit liabilities, less authorized deductions, for the two base days in each semiannual period. The base days are March 31 and June 30 for the six months ending June 30, and September 30 and December 31 for the six months ending December 31. When any of said base days is a non-business day or a holiday, either national or state, the preceding business day shall be used. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, signed by an official of the bank and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file. The forms are mailed to all insured banks each six months in ample time to permit compliance with the law, but if not received on or before January 1 or July 1, they should be obtained from the Fiscal Agent. Instructions for the preparation of said forms are furnished all insured banks by the Fiscal Agent.

(q) *Form 555: Tabulation of assessment base.* Form 555 is used for the tabulation of total deposit liabilities, deductions claimed, and deposits for the assessment base for assessment base days. Each form has spaces for recording the figures for the two base days in each semiannual period. The form and the supporting records required under section 7 (a) of the Federal Deposit Insurance Act, must be retained by the bank as part of its records. A supply of these forms is mailed periodically to each insured bank. Additional supplies of the form may be obtained from the Fiscal Agent upon request.

(r) *Form 645: First certified statement.* The First Certified Statement, Form 645, must be submitted on or before July 15 or January 15 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, for the applicable base day, either June 30 or December 31, or if the applicable day falls on a non-business day or a holiday, the preceding business day shall be used. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, signed by an official of the bank, and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file. The forms will be mailed by the Fiscal Agent to newly insured banks with appropriate instructions for their preparation.

(s) *Form 845: Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank.* This Statement, Form 845, shows the deposit liabilities, less authorized deductions of the bank on the base days prior to the assumption date. Form 845 accompanied by appropriate letter of explanation and instructions will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. The form must be prepared in duplicate, signed by an officer of the bank and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's files. If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 845 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(t) *Form 845A: Final certified statement—for use of an insured bank whose deposit liabilities are assumed by another insured operating bank (To be used when the assuming bank executes the certified statement for the bank whose deposits were assumed).* Form 845A may be substituted for Form 845 described in paragraph (s) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A is prepared in the same manner as Form 845 except the certification is executed by an official of the assuming bank.

(u) *Amended and corrected certified statements.* Forms for use in amending or correcting previously submitted Certified Statements are identical in number and form with Forms 545, 645, 845, and 845A described above except the title of the form contains the additional word

"Amended" or "Corrected". These forms may be obtained on request from the Fiscal Agent.

PART 305—PAYMENT OF INSURED DEPOSITS

§ 305.1 *Payment of insured deposits in closed banks.* When an insured bank closes under circumstances requiring the Corporation to make payment of the insured deposits[1] therein, as prescribed by law,[2] the Board of Directors appoints one or more Claim Agents with power and authority as provided by law[3] who maintain a temporary office at the site of the closed bank for the purpose of receiving claims for insured deposits and making payment thereof as soon as possible in accordance with applicable law. Claimants for insured deposits are required to submit to such Claim Agents appropriate proofs of claim, in form and manner prescribed by law or by the Board of Directors, to deliver up any pass book or other record issued by the bank evidencing the insured deposit, to assign their claims for insured deposits to the Corporation to the extent required by law, and to furnish proper identification. The claimant is required to make proof thereof to the satisfaction of the Claim Agent. Disputed claims which cannot be adjusted in the field are referred to the Chief of the Division of Liquidation for determination and when satisfactory disposition cannot be so made, may be referred to the Board of Directors for appropriate action. In cases where the Corporation is not satisfied as to the validity of a claim for an insured deposit, it may require the final determination of a court of competent jurisdiction before paying such claim. The Corporation is authorized to make payment of the insured deposits in cash or by making available to each depositor a transferred deposit in a new bank in the same community or in another insured bank in an amount equal to the insured deposit of such depositor. Any such transferred deposit would be a demand deposit in the absence of an agreement between the depositor and transferee bank providing for a time or savings deposit. The Corporation's practice has been to make such payment by issuing its check for the amount of the insured deposit. In making such payments, the Corporation exercises its statutory authority to withhold payment of such portion of the insured deposit of any depositor as may be required to provide for the payment of any liability of such depositor as a stockholder of the bank, or of any liability of such depositor to the closed bank or its receiver, which is not offset against a claim due from the bank, pending the determination and payment of such liability by the depositor or any other person liable therefor.

(Sec. 9, Pub. Law 797, 81st Cong. Interprets or applies secs. 10, 11, Pub. Law 797, 81st Cong.)

[1] Defined in section 3 (m) of the Federal Deposit Insurance Act.

[2] See section 11 of the Federal Deposit Insurance Act, particularly subsections (b), (f) and (g).

[3] See section 10 (b) of the Federal Deposit Insurance Act.

PART 306—RECEIVERSHIPS AND LIQUIDATIONS

Sec.
306.1 Liquidation of assets acquired through loans and purchases.
306.2 National bank receiverships.
306.3 State bank receiverships.

AUTHORITY: §§ 306.1 to 306.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 11, 12, 13, Pub. Law 797, 81st Cong.

§ 306.1 *Liquidation of assets acquired through loans and purchases.* Assets acquired by the Corporation pursuant to contracts of loan or purchase from insured banks or receivers of closed insured banks, in accordance with the provisions of the Federal Deposit Insurance Act, are liquidated by the Corporation through a liquidator appointed in the same manner as in the case of a national bank receivership (see § 306.2). The liquidator takes possession of the assets and usually maintains a liquidating office in the vicinity of the bank from which the assets were acquired. The liquidator receives collections of debts and claims due, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations due and owing and arising out of the liquidation. Proposals for the sale of assets, compositions and compromises, and extensions or renewals of debts due or other contracts, are transmitted by the liquidator to the Chief of the Division of Liquidation and are in turn submitted to the Committee on Liquidations, Loans, and Purchases of Assets and to the Board of Directors of the Corporation for approval. Expenses of administration, attorneys' fees, proposals for leasing, engaging brokers or others, independent contractors, and advances to protect assets are likewise submitted by the liquidator for transmission with the recommendation of the Division of Liquidation to the Committee on Liquidations, Loans, and Purchases of Assets and to the Board of Directors of the Corporation for approval. In general, the liquidator is the local representative of the Corporation and proceeds in compliance with the manual of instructions of the Division of Liquidation to liquidate the assets so acquired.

§ 306.2 *National bank receiverships.* Whenever the Comptroller of the Currency appoints a receiver (other than conservator) of a national or District bank, it must be the Corporation. Immediately upon appointment the Corporation takes possession of the records, assets, and affairs of the bank through one of its agents, usually a liquidator, appointed to represent the Corporation in that receivership. If possession is taken by an agent other than a liquidator, the liquidator, when appointed, is substituted for the agent. The Board of Directors of the Corporation appoints the agent to take possession, the liquidator, such assistant liquidators, and personnel, as may be necessary, as well as an attorney to furnish the Corporation as receiver with such legal assistance as may be required in the administration of the receivership. The liquidator as local representative of the Corporation proceeds, in compliance with the manual of instructions of the Division of Liquidation, and in conformity with the applicable provisions of the National Bank Act and the Federal Deposit Insurance Act, to liquidate the assets, receive claims of depositors (claiming in excess of $10,000 per depositor)[1] and other creditors, pay the expenses of administration, distribute the proceeds of such liquidation, and otherwise wind up the affairs of the bank subject to the control of the Board of Directors of the Corporation and under the supervision of the Chief of the Division of Liquidation. After notice by advertisement pursuant to law, depositors having claims in excess of $10,000 per depositor, and other creditors, are permitted to file claims with the liquidator, who transmits such claims to the Division of Liquidation for allowance, classification, and deductions by way of set-offs or counterclaims. Such claims are filed on blanks prescribed from time to time by the Corporation and when allowed are evidenced by receiver's certificates issued by the Division of Liquidation on such forms as are from time to time prescribed by the Corporation. The liquidator receives collections of debts and claims due to the receivership, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations, owing to the receivership. All proceeds of the liquidation are segregated and are kept separate and apart from the general and other funds of the Corporation. Proposals for the sale of assets, compositions, and compromises are transmitted by the liquidator to the Division of Liquidation, which in turn submits them to the Committee on Liquidations, Loans, and Purchases of Assets and to the Board of Directors of the Corporation for approval; and upon such approval the liquidator, through local counsel, presents the proposals to a court of competent jurisdiction for authorization as provided by 12 U. S. C. 192. Expenses of administration are similarly submitted by the Division of Liquidation for approval by the Board of Directors. Attorney fees are submitted by the Legal Division for determination by the Board of Directors. Proposals for leasing, engaging brokers or others, independent contractors, extensions or renewals of debts due the receivership, or other contracts, and advances to protect assets, are submitted by the liquidator for transmission and recommendation by the Division of Liquidation to the Committee on Liquidations, Loans, and Purchases of Assets and to the Board of Directors for authorization. When sufficient funds have been realized from the liquidation to justify payment of a dividend to creditors, the Division of Liquidation submits a recommendation to the Board of Directors, which orders a ratable dividend to be paid. Dividend checks are drawn by the Division of Liquidation on receivership funds and transmitted to the liquidator for delivery

[1] Claims for insured deposits up to $10,000 for each depositor are filed with a Claim Agent, appointed by the Board of Directors of the Corporation, who represents the Corporation in its capacity as insurer of deposit (see Part 305 of this chapter).

to the claimants who are required to present their receiver's certificates for endorsement thereon and to execute receipts for such dividends. If such claims are paid in full with interest, receivership certificates must be surrendered. If surplus assets remain after payment of dividends to creditors equal to the principal of their respective claims plus interest thereon, a meeting of the shareholders is called pursuant to the provisions of 12 U. S. C. 197, for the purpose of determining whether a shareholders' agent shall be elected or the receivership continued. If the shareholders elect to have a shareholders' agent appointed, then the assets are assigned and delivered to the shareholders' agent upon compliance with the requirements of 12 U. S. C. 197.

§ 306.3 *State bank receiverships.* When the Corporation accepts appointment as receiver of an insured State bank [4] the board of directors appoints an agent or liquidator to take possession, on behalf of the Corporation, of the assets, books, and records, and to administer the affairs, of the closed bank. The liquidator as the local representative of the Corporation proceeds, in accordance with the provisions of the applicable law of the State in which the bank is located, and in conformity with the manual of instructions of the Division of Liquidation, to administer the receivership, subject to the control of the board of directors and under the supervision of the Division of Liquidation.

PART 307—VOLUNTARY TERMINATION OF INSURED STATUS

Sec.

307.1 Steps to be taken and records to be furnished the Corporation by an insured nonmember bank in liquidation.

307.2 Steps to be taken and records to be furnished the Corporation by a member bank in liquidation (both State and national).

307.3 Steps to be taken and records to be furnished the Corporation where deposits are assumed by another insured bank.

AUTHORITY: §§ 307.1 to 307.3, issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 7, 8, Pub. Law 797, 81st Cong.

§ 307.1 *Steps to be taken and records to be furnished the Corporation by an insured nonmember bank in liquidation.* (a) Whenever a nonmember bank goes into liquidation and its insured status has not been terminated by the board [4] and its deposit liabilities are not assumed by another insured bank, it shall terminate its status as an insured bank in accordance with the provisions of section 8 (a) of the Federal Deposit Insurance Act.[2] To effect such termination the bank shall adopt a resolution in form substantially as follows:

Resolved: (1) That the status of the ---------- ----------
(Name of bank) (City or town)
---------- as an insured bank under the
(State)
provisions of the Federal Deposit Insurance Act shall terminate ninety (90) days from the date of the receipt by the Federal Deposit Insurance Corporation of a copy of this resolution; [3]

(2) That ---------- is
(Cashier or other officer)
hereby directed to immediately forward a certified copy of this resolution to the Federal Deposit Insurance Corporation, Washington 25, D. C., which shall constitute the notice of termination prescribed in section 8 (a) of that Act.

Upon receipt of a certified copy of the aforesaid resolution the Corporation will promptly advise the bank of the date of the receipt thereof, and confirm the date of the termination of its insured status.

Thereupon, and prior to the termination date, the bank shall give notice to its depositors of the termination of its insured status. Such notice shall be (1) mailed to each depositor at his last address of record as shown upon the books of the bank, (2) published in not less than two issues of a local newspaper of general circulation, and (3) in form substantially as follows:

(Date)

Notice to Depositors:

Please be advised that the status of the ---------- ----------
(Name of bank) (City or town) (State)
as an insured bank under the provisions of the Federal Deposit Insurance Act, will terminate on _____ day of ----------, 19_____.

You are further advised that your insured deposits in this bank on the date of termination will continue to be insured within the limitations provided by law.

(Name of bank)

(Address)

There may be included in such notice any additional information or advice the bank may deem desirable.

Whenever the bank proposes to pay its depositors and, at the direction of the depositors, effects such payment by transferring the deposits to a noninsured bank, the following information shall be added to the notice to depositors prescribed in the above form:

You are further advised that your deposits may be transferred to the----------
(Name of
---------- ----------
noninsured bank) (City or town) (State)
upon your direction to this bank and your acknowledgment in writing of the payment of your deposits in full by such transfer.

(Name of noninsured bank)
is not a member of the Federal Deposit Insurance Corporation and deposits made in it, or transferred to it, will not be insured.

(b) The bank shall furnish to the Corporation the following records and information:

(1) An affidavit of the mailing and an affidavit of the publication of the notice to depositors. The affidavit of mailing should be executed by the person mailing the notice and should state (i) the date of mailing, (ii) that it was mailed to each depositor at his last address of record as shown on the books of the bank, and (iii) that a copy of the notice as mailed is attached.

(2) A certified copy of the resolutions pursuant to which the bank was placed in liquidation and/or any other document or instrument required by law to place the bank in liquidation.

(3) The bank shall continue to file certified statements and pay assessments thereon for the period its deposits are insured, as provided by the Federal Deposit Insurance Act:[5] *Provided*, That after the bank shall have paid in full its deposit liabilities and the assessment to the Corporation required to be paid for the semiannual period in which its deposit liabilities are paid in full, and after it shall, under applicable law, have ceased to have authority to transact a banking business and to have existence, except for the purpose of, and to the extent permitted by law for, winding up its affairs, it shall not be required to file further certified statements nor to pay further assessments.

(4) When the deposit liabilities of the bank shall have been paid in full, the bank shall furnish to the Corporation an affidavit executed by two of its officers, which affidavit shall state the fact that the deposit liabilities have been paid in full and give the date of the final payment thereof.[6]

(5) Where the bank has unclaimed deposits the affidavit to be furnished pursuant to subparagraph (4) of this paragraph, shall further state the amount of such unclaimed deposits and the disposition made of the funds to be held to meet such claims. For assessment purposes, the following will be considered as payment of such unclaimed deposits, viz:

(i) The transfer of cash funds in an amount sufficient to pay such unclaimed and unpaid deposits to the public official authorized under the law to receive the same; or

(ii) If no provision is made by law for the transfer of funds to a public official, the transfer of cash funds or compensatory assets to an insured bank in an amount sufficient to pay the unclaimed and unpaid deposits in consideration of such insured bank assuming the

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[4] Pursuant to the provisions of section 11 (e) of the Federal Deposit Insurance Act.

[1] Board means board of directors of the Federal Deposit Insurance Corporation.

[2] Section 8 (a) of the Federal Deposit Insurance Act provides, in part, as follows: "Any insured bank (except a national member bank or State member bank) may, *upon not less than ninety days' written notice to the Corporation*, and to the Reconstruction Finance Corporation if it owns or holds as pledgee any preferred stock, capital notes, or debentures of such bank, terminate its status as an insured bank. * * * After the termination of the insured status of any bank * * * the insured deposits of each depositor in the bank on the date of such termination, less all subsequent withdrawals from any deposits of such depositor, shall continue for a period of two years to be insured, and the bank shall continue to pay to the Corporation assessments as in the case of an insured bank during such period. * * *" [Italics supplied.]

[3] If the bank desires to fix a later date of termination, it may do so as the law prescribes only the minimum notice period which is ninety (90) days.

[4] See footnote 2 to § 307.1 (a).

[5] The issuance of a draft or officer's check does not constitute the discharge of a deposit liability nor relieve the bank of assessment until such draft or other evidence of payment has been duly presented for payment and has been paid.

payment thereof: *Provided*, That, prior to such transfer, the liquidating bank shall have given notice, as hereinafter provided, to the owners of the unclaimed deposits of the intended transfer and a reasonable time shall have elapsed after the giving of such notice to enable the depositors to obtain their deposits. Such notice shall be mailed to each depositor and shall be published in a local newspaper of general circulation. The notice shall advise such depositors of the liquidation of the bank, shall request them to call for and accept payment of their deposits, and shall state the disposition to be made of their deposits upon their failure to promptly claim the same.

If such unclaimed and unpaid deposits are disposed of as provided in subdivision (i) of this subparagraph, a certified copy of the public official's receipt issued for such funds shall be furnished to the Corporation. If such unclaimed and unpaid deposits are disposed of as provided in subdivision (ii) of this subparagraph, an affidavit of the publication and of the mailing of the notice to depositors, together with a copy of such notice, and a certified copy of the contract of assumption shall be furnished to the Corporation.

(6) The liquidating bank shall advise the Corporation of the date on which the authority or right of the bank to do a banking business shall have terminated and the method or means whereby such termination shall have been effected, that is, whether such termination has been effected by the surrender of its charter, by the cancellation of its authority or license to do a banking business by the supervisory authority, or otherwise.[6]

§ 307.2 *Steps to be taken and records to be furnished the Corporation by a member bank in liquidation (both State and national).* (a) Whenever a bank which is a member of the Federal Reserve System goes into liquidation and its insured status has not been terminated by the board[7] and its deposit liabilities are not assumed by another insured bank, it shall notify its depositors of the date of the termination of its insured status.[8] Such notice shall be in the form prescribed in § 307.1 and shall be given at the time and in the manner therein provided.

(b) The bank shall furnish to the Corporation the records and information mentioned in, and comply with the requirements of, § 307.1 (b).

§ 307.3 *Steps to be taken and records to be furnished the Corporation where deposits are assumed by another insured bank.*[9] (a) Whenever the deposit liabilities of an insured bank are assumed by another insured bank, the bank whose deposits are assumed, or the assuming bank as its agent, shall give notice to its depositors of such assumption. Such notice shall be (1) mailed to each depositor at his last address of record as shown upon the books of the bank, (2) published in not less than two issues of a local newspaper of general circulation, and (3) in form substantially as follows:

(Date)

Notice to Depositors:

Please be advised that the deposit liabilities shown on the books of the undersigned bank as of the close of business on ----------, 19-- have been assumed by the

---------- ----------
(Name of assuming bank) (City or town)

---------- and that the status of the
(State)

undersigned bank as an insured bank will therefore terminate as provided in section 8 (d) of the Federal Deposit Insurance Act.

You are further advised that ----------
(Name of

---------- is an insured bank and
assuming bank)

that your deposits will continue to be insured by the Federal Deposit Insurance Corporation in the manner and to the extent provided in said act.

----------[10]
(Name of bank)

(Address)

There may be included in such notice any additional information or advice the bank may deem desirable.

The bank shall furnish to the Corporation an affidavit of mailing and an affidavit of publication of the notice to depositors. The affidavit of mailing should be in the form prescribed in § 307.1 (b) (1).

(b) The liquidating bank shall continue to file certified statements and pay assessments thereon for the period its deposits are insured, as provided by the Federal Deposit Insurance Act: *Provided*, That if the liquidating bank, or the assuming bank as its agent, has given the requisite notice to the depositors of the assumption of the deposit liabilities within 30 days after such assumption takes effect, then the liquidating bank shall file a final certified statement, as provided for in § 304.3 (s) and (t), and shall pay to the Corporation the normal assessment thereon.[11] If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file certified statements or pay any assessment upon the deposits so assumed, after the semiannual period in which the assumption takes effect.

(c) The Corporation will consider receipt of the following as satisfactory evidence of such assumption:

(1) A certified copy of the resolution (i) duly authorizing the bank's officers to enter into a contract for the sale of the bank's assets to another insured bank upon the consideration of the assumption by it of the deposit liabilities, and (ii) duly placing the bank in liquidation; and

(2) A certified copy of the assumption agreement, provided it contains an express undertaking by an insured bank to pay the deposit liabilities of the bank going into liquidation.

(d) The bank shall furnish to the Corporation the information called for in § 307.1 (b) (6).

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[6] As the governing law of the various jurisdictions is not uniform in this respect, it is suggested that the applicable statute be consulted and that this Corporation be advised of the manner in which the termination or cancellation of such authority has been effected.

[7] See footnote 1 to § 307.1 (a).

[8] Section 8 (b) of the Federal Deposit Insurance Act provides in part as follows: "Except as provided in subsection (b) of section 4, whenever a member bank shall cease to be a member of the Federal Reserve System, its status as an insured bank shall, without notice or other action by the board of directors, terminate on the date the bank shall cease to be a member of the Federal Reserve System, with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under subsection (a) of this section." Regulations of the Board of Governors of the Federal Reserve System provide (12 CFR 208.10 footnote 13): "A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve bank stock held by it is duly cancelled." Section 4 (b) of the Federal Deposit Insurance Act provides in part that: "A State bank, resulting from the conversion of an insured national bank, shall continue as an insured bank. A State bank, resulting from the merger or consolidation of insured banks, or from the merger or consolidation of a noninsured bank or institution with an insured State bank, shall continue as an insured bank."

[9] Section 8 (d) of the Federal Deposit Insurance Act provides as follows: "Whenever the liabilities of an insured bank for deposits shall have been assumed by another insured bank or banks, the insured status of the bank whose liabilities are so assumed shall terminate on the date of receipt by the Corporation of satisfactory evidence of such assumption with like effect as if its insured status had been terminated on said date by the Board of Directors after proceedings under subsection (a) of this section: *Provided*, That if the bank whose liabilities are so assumed gives to its depositors notice of such assumption within thirty days after such assumption takes effect, by publication or by any reasonable means, in accordance with regulations to be prescribed by the Board of Directors, the insurance of its deposits shall terminate at the end of six months from the date such assumption takes effect. Such bank shall be subject to the duties and obligations of an insured bank for the period its deposits are insured: *Provided*, That if the deposits are assumed by a newly insured bank, the bank whose deposits are assumed shall not be required to pay any assessment upon the deposits which have been so assumed after the semiannual period in which the assumption takes effect."

[10] If this notice is given by the assuming bank as agent for the liquidating bank, it may add its own name designating itself as agent.

[11] See § 327.3 of this chapter.

PART 308—INVOLUNTARY TERMINATION OF INSURED STATUS

Sec.
308.11 Oral argument before board of directors.
308.12 Decision of board of directors.
308.13 Filing papers.
308.14 Service; proof of service.
308.15 Copies.
308.16 Computing time.
308.17 Documents in proceedings confidential.
308.18 Formal requirements as to papers filed.
308.19 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

AUTHORITY: §§ 308.1 to 308.19 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 8, 10, Pub. Law 797, 81st Cong.

§ 308.1 *Termination of insured status by the Corporation.* Under the authority of section 8 (a) of the Federal Deposit Insurance Act the board of directors of the Corporation may terminate the insured status of an insured bank. The procedure for terminating the insured status of a bank as therein prescribed will be followed and the hearing required thereunder will be conducted in accordance with the rules and practice set forth in this part.

§ 308.2 *Appearance and practice before the Corporation*—(a) *Power of attorney and notice of appearance.* The Corporation maintains no register of attorneys or agents who may practice before it nor is an application for admission to practice required. Any person desiring to appear before or transact business with the Corporation in a representative capacity may be required to file with the Secretary of the Corporation a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the board of directors that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the trial examiner.

(b) *Suspension and disbarment.* Any person appearing before the board of directors or before a trial examiner in a representative capacity, or desiring so to act, may for cause, sufficient in the judgment of the board of directors, be suspended or disbarred from so doing, provided that charges shall be preferred by the board of directors against such representative and he shall be afforded an opportunity to be heard thereon.

(c) *Summary suspension.* Contemptuous conduct at an argument before the board of directors or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 308.3 *Notice of hearing.* Whenever a hearing is ordered by the board of directors in any proceedings a Notice of Hearing shall be given by the Secretary or other designated officer of the Corporation to the bank involved and the appropriate supervisory authority. Such notice shall designate the time and place of the hearing, the nature thereof, the trial examiner and shall specify the charges against the bank and shall be delivered by personal service, by registered mail to last known address, or other appropriate means, at least 30 days in advance of the hearing.

§ 308.4 *Conduct of hearings.* Any hearing shall be held before a person designated by the board of directors as the trial examiner and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(a) *Authority of trial examiner.* The trial examiner at the hearing shall have authority to administer oaths and affirmations, take or cause depositions to be taken, examine witnesses and receive evidence and rule upon the admissibility of evidence and other matters that normally and properly arise in the course of the hearing; to subpena any officer or employee of the insured bank, to compel his attendance, and to require the production of any books, records or other papers of the insured bank which are relevant or material to the inquiry, but he shall have no power to decide any motion to dismiss the proceedings or other motion which results in a final determination of the merits of the proceedings. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or supervisory functions. The trial examiner may hold conferences before or during the hearing for the settlement or simplification of issues by consent of the bank and counsel for the Corporation.

(b) *Attendance at hearings.* A hearing shall be private and shall be attended only by the bank and its representatives or counsel, representatives of the Corporation, witnesses, and other persons having an official interest in the proceedings; *Provided, however,* That on the written request of the bank or counsel for the Corporation, or on its own motion, the board of directors when not prohibited by law, may permit other persons to attend or may order the hearing to be public.

(c) *Transcript of testimony.* Hearings shall be reported and transcripts will be available at cost to the bank and, if the board of directors has ordered the hearing to be public, to the public. At the close of the hearing a complete transcript of the testimony taken, together with any exhibits and any briefs or memoranda of law filed theretofore on behalf of the bank or counsel for the Corporation, shall be filed with the Secretary. Requested corrections to a transcript of record shall be considered only if offered within 10 days after the date the transcript is filed with the Secretary (or within 10 days after the bank's receipt of a copy of such transcript, if ordered by the bank before conclusion of the hearing). Requested corrections shall be filed with the Secretary and shall be served upon the other party to the proceedings as provided in § 308.14. The trial examiner shall have authority to act upon motions to correct the record.

(d) *Order of procedure.* The counsel for the Corporation shall open and close.

(e) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the board of directors may by the notice of hearing, or subsequent order, provide time limits different from those specified in this part, may on its own motion or for cause shown extend any time limits prescribed by these rules or the notice of hearing, and may continue or adjourn any hearing. The trial examiner may continue or adjourn a hearing to such time and place as may be ordered by him.

(f) *Call for further evidence, oral argument and briefs, reopening of hearings.* The trial examiner may call for the production of further evidence upon any issue, may permit oral arguments and submission of briefs at the hearing, and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the board of directors, or the board of directors may reopen any hearing at any time prior to its order disposing of the proceeding.

(g) *Depositions.* The board of directors or trial examiner may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the board of directors or trial examiner and having power to administer oaths. Unless notice be waived, no deposition shall be taken except after at least 5 days' notice to the bank and counsel for the Corporation.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken, stating the time when, the place where, and the name and post-office address of the person before whom, it is desired the deposition be taken, the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify. If good cause is shown, the board or trial examiner will make and serve upon the bank, or its counsel, and counsel for the Corporation, an order wherein the board of directors or trial examiner shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom, the witness is to testify, but such time and place, and the person before whom the deposition is to be taken so specified in the order, may or may not be the same as those named in the application. The testimony of the witness shall be reduced to writing by the person before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified as a true and complete transcript of the testimony by the person before whom the deposition was taken and by him forwarded as specified in the order with three additional copies thereof made by him or under his direction. A certified copy thereof shall be furnished to the bank, or its counsel, and to counsel for the Corporation. Witnesses whose depositions are taken, and the person taking such depositions, shall severally be entitled to the same fees as are paid

for like services in the courts of the United States which shall be paid by the party upon whose application the deposition was taken.

§ 308.5 *Rules of evidence*—(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered by the trial examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 308.6 *Proposed findings and conclusions and recommended decision*—(a) *Proposed findings and conclusions and supporting briefs.* Within 15 days after the filing of the transcript with the Secretary (or within 15 days after the bank's receipt of a copy of such transcript, if ordered by the bank before the conclusion of the hearing) the bank or counsel for the Corporation may file with the Secretary for submission to the trial examiner proposed findings and conclusions, which may be accompanied by a brief or memorandum in support thereof. A copy of such proposals and brief or memorandum in support thereof shall be delivered by the Secretary to the trial examiner and a copy shall be served by the Secretary upon the other party to the proceedings. All such proposed findings and conclusions shall be a part of the record.

(b) *Recommended decision.* The trial examiner, within 15 days after the expiration of the time allowed for filing proposed findings and conclusions, shall file with the Secretary his recommended decision in the form prescribed by law.

(c) *Service of recommended decision.* A copy of the recommended decision shall be forthwith served on the bank and on counsel for the Corporation by the Secretary.

§ 308.7 *Exceptions*—(a) *Filing.* Within 15 days after receipt of a copy of the recommended decision of the trial examiner, the bank or counsel for the Corporation may file with the Secretary exceptions to the recommended decision of the trial examiner or any portion thereof or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any other ruling. A copy of such exceptions shall be forthwith delivered by the Secretary to the trial examiner and a copy shall be served on the other party to the proceedings. Exceptions shall be argued only if a hearing is ordered before the board of directors.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence, or to any ruling, within the time so required, shall be deemed to be a waiver of the objections thereto.

§ 308.8 *Briefs*—(a) *Filing.* Within the time provided for filing of exceptions, the bank or counsel for the Corporation may file a brief in support of his conclusion and exceptions.

(b) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript. Exceptions not briefed may be regarded by the board of directors as waived.

(c) *Reply briefs.* Reply briefs may be filed within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties.

(d) *Service of briefs.* Copies of briefs shall be served by the Secretary on the other party to the proceedings.

(e) *Delays.* Briefs not filed on or before the time fixed in this part will be received only upon special permission of the board of directors.

§ 308.9 *Certification of record to board of directors.* Within 15 days after expiration of the time required for filing exceptions to his recommended decision, the trial examiner shall file with the Secretary of the Corporation and certify to the board of directors for initial decision the entire record, including the transcript of testimony, exhibits (including on request of the party concerned any exhibits excluded from evidence) recommended findings and conclusions, exceptions and rulings thereon, any briefs or memoranda filed by any party or counsel for the Corporation in connection therewith and his recommended decision. A copy of his ruling on the exceptions shall be served on the bank and on the counsel for the Corporation.

§ 308.10 *Consent to termination of insured status.* Unless a bank, which has received notice of intention to terminate its status as an insured bank pursuant to section 8 (a) of the Federal Deposit Insurance Act, shall appear at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank. In such event counsel for the Corporation may, but need not, present his case. Within 10 days of the date or close of the hearing the trial examiner shall certify the transcript and exhibits, if any, to the board of directors with his recommended decision.

§ 308.11 *Oral argument before board of directors.* Upon written request of the bank or counsel for the Corporation, made within 10 days after the certification of the record to the board of directors, the board may order the matter to be set down for oral argument before it at the time and place specified in such order.

§ 308.12 *Decision of board of directors.* Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions, may advise and assist the board of directors in the consideration of the matter and in the preparation of appropriate documents for its disposition. Copies of the decision of the board of directors shall be furnished by the Secretary to the bank, to counsel for the Corporation and to the appropriate State supervisory authority, in the case of a State bank, to the Board of Governors of the Federal Reserve System, in the case of a State member bank, or to the Comptroller of the Currency, in the case of a national bank.

§ 308.13 *Filing papers.* Recommended decisions, exceptions, briefs and other papers required to be filed with the board of directors or Secretary in any proceeding shall be filed with the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C. Any such papers may be sent to the Secretary by mail or express but must be received by the Secretary in the office of the Corporation in Washington, D. C., or post marked by a post office, within the time limit for such filing.

§ 308.14 *Service; proof of service.* All documents or papers required by this part to be served on the bank, or on counsel for the Corporation, shall be served by the Secretary or other designated officer of the board of directors. Such service, except on counsel for the Corporation, shall be made by personal service on, or by registered mail addressed to the last known address of, the attorney or representative of record of any party. If there is no attorney or representative of record, such service shall be made upon the bank.

§ 308.15 *Copies.* Unless otherwise specifically provided in the notice of hearing, an original and 7 copies of all documents and papers required or permitted to be filed or served under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary.

§ 308.16 *Computing time.* In computing any period of time prescribed or allowed by this part or by order of the board of directors, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Intermediate Saturdays, Sundays and holidays shall be included in the computation. A half-holiday shall be considered as other days and not as a holiday.

§ 308.17 *Documents in proceedings confidential.* Unless and until otherwise ordered by the board of directors, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, and briefs in support of such proposals or in support of or in opposition to such exceptions, the findings and conclusions of the board of directors and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the board of directors, the bank and appropriate supervising authorities.

§ 308.18 *Formal requirements as to papers filed—(a) Form.* All papers filed under this part shall be typewritten, mimeographed, or printed.

(b) *Signature.* All papers must be signed by an officer of the bank filing the same, or its duly authorized agent or attorney, or counsel for the Corporation, and, except in the case of counsel for the Corporation, must show the address of the signer.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Corporation, the name of the bank, and the subject of the particular paper.

§ 308.19 *Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.* Whenever the Board of Directors shall have evidence indicating that an insured banking institution is not engaged in the business of receiving deposits, other than trust funds, it will give notice in writing to the banking institution of such fact, and will direct the banking institution to show cause why the insured status of the banking institution should not be terminated under the provisions of section 8 (c) of the Federal Deposit Insurance Act. The banking institution shall have thirty days, or such greater period of time as the Board of Directors shall prescribe, after receipt of such notice to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds. The Board of Directors, may in its discretion, upon written request of the banking institution, authorize a hearing before it or any person designated by it. If upon consideration of the evidence, the Board of Directors determines that the banking institution is not engaged in the business of receiving deposits, other than trust funds, the Corporation shall notify the banking institution that its insured status will terminate at the expiration of the first full semiannual assessment period following such notice. Within thirty days prior to the date of the termination of the insured status of a banking institution under section 8 (c) of the Federal Deposit Insurance Act, the banking institution shall publish a notice of such termination in not less than two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of publication. The notice shall be as follows:

(Date)

Notice:

Please be advised that the status of the

(Name of banking institution)

(City or town) (State)

as an insured bank under the Federal Deposit Insurance Act, will terminate on the ____ day of ____, 19____, and its deposits shall thereupon cease to be insured.

(Name of banking institution)

(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

PART 309—CONFIDENTIAL INFORMATION

Sec.
309.1 Unpublished information.
309.2 Opinions and orders.

AUTHORITY: §§ 309.1 and 309.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 10, Pub. Law 797, 81st Cong.

§ 309.1 *Unpublished information—(a) Confidential information and records.* All files, documents, reports, books, accounts, and records (collectively referred to as "records" in this section) pertaining to insured banks, or the internal operations and affairs of the Corporation, in the possession or under the control of the Corporation or any officer, agent, or employee thereof, and all facts or information contained in such records or acquired by said officers, agents, or employees in the performance of their official duties (collectively referred to as "information" in this section) are confidential, unless prepared for public distribution by order of the board of directors of the Corporation or its Chairman.

(b) *Certain records and information also privileged.* Records and information pertaining to (1) examinations or investigations of insured banks, (2) applications and reports to the corporation by any bank (exclusive of applications for loans or purchases of assets under section 13 (c) and (e) of the Federal Deposit Insurance Act), (3) proceedings for the termination of the insured status of any bank, or (4) the internal operations of the Corporation, are conditionally privileged as well as confidential, and are sometimes referred to as "privileged" in this section.

(c) *Disclosure prohibited.* Officers, agents, and employees of the Corporation are prohibited from allowing any person to inspect, examine, or copy any of said confidential or privileged records, or furnishing copies thereof, or from disclosing any such confidential or privileged information, except as hereinafter provided:

(1) The Chief of any Division having custody thereof, in his discretion, may release or furnish any record or information, not privileged, to any governmental agency, State or Federal, for use in the exercise of its official duties; and to any other person upon a verified written application, which shall show that the applicant has a substantial interest therein and the purpose for which it is to be used: *Provided,* That such disclosure, in the opinion of the Division Chief, will not be prejudicial to the Corporation or the public interest.

(2) The Chief of the Division of Examination may furnish to an insured nonmember bank copies of any reports of examination of such bank (except the section designated "confidential") and other information pertaining to its affairs: *Provided,* That copies of such reports of examination and other information so furnished to an insured nonmember bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officials, or employees disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(3) The Chief of the Division of Examination may furnish to the Comptroller of the Currency, to any Federal Reserve bank, and to any commission, board, or authority having supervision of a State nonmember bank, and to the Reconstruction Finance Corporation, if it owns or holds as pledgee, or has under consideration an application for the purchase of, any preferred stock, capital notes, or debentures in such bank, copies of reports of examination made on behalf of the Corporation and other information pertaining to insured nonmember banks for use in the exercise of their official duties: *Provided,* That such reports of examination and other information so furnished to such officials or agency shall remain the property of the Corporation and under no circumstances shall any such official or agency disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(4) The Chief of the Division of Examination may furnish to any official of the Department of Justice any information regarding defalcations, burglaries, or robberies affecting insured banks, when, in his opinion, there is urgent need for immediate action to be taken by such Department in the investigation thereof or the apprehension or prosecution of persons responsible therefor.

(5) The Chief of the Division of Research and Statistics may furnish to the Comptroller of the Currency, to any Federal Reserve bank, and to any commission, board, or authority having supervision of a State nonmember bank copies of reports of condition made by insured banks to the Corporation, including statements of assets, liabilities, and capital accounts, and of earnings, expenses, and distribution of profits, for use in the exercise of their official duties: *Provided,* That under no circumstances shall such State or Federal officials make public the contents of such reports or any portion thereof, except in the publication of general statistical reports.

(6) The General Counsel of the Corporation may disclose to the proper federal prosecuting authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of the Federal criminal statutes. The General Counsel may authorize the

production of any record, the disclosure of any information, and the giving of any testimony with respect thereto, by any officer or employee of the Corporation, upon any proceeding, hearing, or trial, civil or criminal, in any State or Federal court or before any administrative board, commission, or committee. Such authorization may be given only in response to a subpena or other process duly issued and served upon the Corporation at its principal office, which service may be by registered mail addressed to the Corporation at Washington, D. C., specifying the record requested, the nature and scope of the testimony to be elicited, the name of the witness and the place and time of appearance: *Provided*, That the General Counsel, in his discretion, may waive the requirement of service of subpena or process when he believes it to be in the interest of justice to do so. Without such prior authorization, any officer or employee required to respond to a subpena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any record or disclose any information or give any testimony with respect thereto, basing his refusal upon this rule: *Provided*, That this prohibition shall not apply to information which may be disclosed pursuant to and in accordance with the provisions of subsection (b), section 22 of the Federal Reserve Act as amended by section 326 of the Banking Act of 1935 (sec. 22, 38 Stat. 272, as amended; 12 U. S. C. 594) and, *Provided further*, That when such requested records or information are privileged, the General Counsel shall not authorize their production or disclosure in any of the suits or proceedings hereinbefore mentioned, or otherwise, except where the production of such evidence is requested in behalf of the Corporation, the United States, or the person from whom such privileged documents and information were obtained.

(d) *Application for disclosure.* Applications for disclosure of information or records hereunder should be addressed to the appropriate Division Chief or the General Counsel of the Corporation, as the case may be.

(e) *Service of process on officer, agent, or employee.* Any officer, agent, or employee of the Corporation served with a subpena, order, or other process requiring his personal attendance as a witness or the production of records or information upon any proceeding mentioned in paragraph (c) (6) of this section shall promptly advise (1) the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this rule, and (2) the General Counsel of the Corporation at Washington, D. C., of such service and of the records and information requested and any facts which may be of assistance to the General Counsel in determining whether such records and information should be made available.

(f) *Authority of Chairman of board of directors.* Notwithstanding any of the foregoing provisions, the Chairman of the board of directors, in his discretion and pursuant to law, may authorize the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, or may direct the General Counsel or the Chief of any Division to refuse to permit the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, when in his opinion such action is consistent with the public interest.

§ 309.2 *Opinions and orders.* A survey and review of the opinions and orders heretofore made by the board of directors of the Corporation in the adjudication of cases, in connection with licensing, supervision, investigation, termination of insured status, payment of insured deposits, and the administration of liquidations and receiverships, discloses that their publication would not be of current interest or importance, they are not cited as precedents, and are required for good cause to be held confidential. Accordingly, they will not be published nor made available to public inspection.

The board of directors will, however, either publish, or, in accordance with published rule, make available for public inspection, final opinions and orders in the adjudication of cases which are cited as precedents and which are not required for good cause to be held confidential.

Subchapter B—Regulations and Statements of General Policy

Part 325—Introductory

§ 325.0 *Scope.* The regulations and statements of general policy contained in this subchapter are promulgated pursuant to the provisions of the Federal Deposit Insurance Act and are published pursuant to the Administrative Procedure Act (60 Stat. 237), and other applicable laws, and, in accordance with the provisions of section 3 (a) (3) of the Administrative Procedure Act, contain rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the Corporation for the guidance of the public.

(Sec. 9, Pub. Law 797, 81st Cong.)

Part 326—Bank Obligations Prescribed as Deposits

Sec.
326.1 Deposits.
326.2 Money or its equivalent.

Authority: §§ 326.1 and 326.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 3, Pub. Law 797, 81st Cong.

§ 326.1 *Deposits.* The term "deposit" as used in section 3 (l) of the Federal Deposit Insurance Act, shall include the following obligations:

(a) *Outstanding drafts, cashier's checks and other officer's checks.* Outstanding drafts,[1] cashier's checks, and other officer's checks issued under any of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank; or

(3) In settlement of checks, drafts, or other instruments forwarded to the issuing bank for collection.

(b) *Certified checks.* Checks drawn against a deposit account and certified by the drawee bank.

(c) *Traveler's checks and letters of credit.* Outstanding traveler's checks or letters of credit on which the bank is primarily liable issued under either of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank.

(d) *Special purpose funds.* Money received or held by the bank, or the credit given therefor to an account including a special or memorandum account, which money or credit is held for a special or specific purpose, regardless of whether the relationship thereby created is that of debtor-creditor, fiduciary, or any other relationship.

§ 326.2 *Money or its equivalent.* Under paragraphs (a) and (c) of § 326.1 drafts, cashier's checks and other officer's checks, traveler's checks and letters of credit must be regarded as issued for the equivalent of money when issued in exchange for checks or drafts or for promissory notes upon which the person procuring any of the enumerated instruments is primarily or secondarily liable.

Part 327—Assessments

Sec.
327.1 Classes of uncollected items eligible for deduction.
327.2 Periods of deduction for uncollected items.
327.3 Payment of assessments by banks whose insured status has terminated.
327.4 Time of payment.

Authority: §§ 327.1 to 327.4 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 7, 8, Pub. Law 797, 81st Cong.

§ 327.1 *Cash items*—(a) *Definition.* The term "cash item," as used in section 7 of the Federal Deposit Insurance Act and in this part, means any instrument providing for the payment of money which the reporting bank has received in the regular course of business pursuant to an agreement under which the bank has given credit to a deposit account, and checks and bank drafts received and paid by it in the regular course of business: *Provided*, That the instrument, check or draft is in the process of collection and is payable on presentation: *And, provided further*, That the payor or drawee of the instrument, check or draft, is a bank or person other than the reporting bank or a branch office or main office of the reporting bank other than the office where the item is received. The term "reporting bank" as used in this part means the bank filing the certified statement for assessment purposes. For the purposes of this paragraph a check or bank draft is deemed paid by the reporting bank if the bank has given cash or other consideration therefor.

(b) *Cash items eligible for deduction.* In computing the assessment base, only

[1] Drafts drawn on foreign correspondents or foreign branches and payable only in foreign countries are not included in the term "deposit."

cash items, as defined in this section, may be deducted. Such cash items may be deducted without regard to whether withdrawal has been made against the credit given to deposit accounts therefor. No cash item shall be deducted except in accordance with the provisions of this part and unless such records are maintained as will readily permit verification of the correctness thereof.

§ 327.2 *Period of deduction for uncollected cash items*—(a) *Choice of method.* An insured bank may, at its option, use either of the two following methods in computing its deductible cash items, namely: (1) by multiplying by 2 the total of the cash items forwarded for collection on the assessment base days which were received on said days and the cash items held for clearings at the close of business on said days which were received on said days, or (2) by deducting the total of cash items forwarded for collection on the assessment base days and cash items held for clearings at the close of business on said days plus uncollected cash items paid or credited on preceding days: *Provided*, The method selected must be followed for the entire assessment period. If the second alternative method is used, the maximum periods of deduction shall be as prescribed in the following paragraphs (b) and (c), and no cash item may be considered as uncollected for any period in excess of said maximum. No cash item shall be deducted after the bank has had advice that the item has been paid or dishonored.

(b) *Cash items paid or credited to deposit accounts in bank or branch located in any Federal Reserve district.* In the case of any insured bank or branch located in any Federal Reserve district, cash items forwarded for collection and cash items held for clearings at the close of business on the base day shall be eligible for deduction for that day. Any cash item forwarded for collection on preceding days which remains uncollected as of the close of business on the assessment base day shall be eligible for deduction for the base day: *Provided*, That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time necessary to send the item in due course to the Federal Reserve bank of the Federal Reserve district or the branch of the subdistrict thereof in which the reporting bank is located, plus the time allowed for collection from the place where the item is payable, as shown on the current Time Schedule of such Federal Reserve bank or branch thereof.

(c) *Cash items paid or credited to deposit accounts in bank or branch located outside of any Federal Reserve district.* In the case of any insured bank or branch located outside any Federal Reserve district, cash items forwarded for collection and cash items held for clearings at the close of business on the base day shall be eligible for deduction for that day. Any cash item forwarded for collection on preceding days which remains uncollected at the close of business on the assessment base day shall be eligible for deduction for the base day: *Provided*, That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection plus (1) the collection time allowed by the Federal Reserve time schedule for the district in which the correspondent bank is located or (2) the actual collection time, where the collection time is not included in the Federal Reserve time schedule.

(d) *Construction of section.* This section is not to be construed as requiring any bank to clear items through any Federal Reserve bank or branch thereof.

§ 327.3 *Payment of assessments by banks whose insured status has terminated*—(a) *Assumed deposits of terminating bank become deposits of assuming bank.* The deposit liabilities of an insured bank, if assumed by another insured bank, will, except to the extent that depositors of the first bank by affirmative action signify their express intention to hold the first bank liable as a debtor, be presumed for assessment purposes to cease being deposit liabilities of the first bank on the date the assumption becomes effective: *Provided*, That the requisite notice of assumption be given to the depositors of the terminating bank.[1] The assumed deposits, for assessment purposes, are deposit liabilities of the assuming bank from the date of assumption, whether or not the requisite notice of assumption has been given to the depositors.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the certified statement which the terminating bank is required to file, the filing of such certified statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided*, That the requisite notice of assumption[1] be given to the depositors of the terminating bank and, *Provided further*, That such certified statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8 (a) or (b) of the Federal Deposit Insurance Act, makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank and if the board of directors grant the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish certified statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

[1] The requisite notice of assumption shall be the notice prescribed in § 307.3 of this chapter.

§ 327.4 *Time of payment.* Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its certified statement,[2] at the time such statement is required to be filed under Section 7 (b) of the Federal Deposit Insurance Act.

PART 328—ADVERTISEMENT OF MEMBERSHIP

Sec.
328.0 Scope.
328.1 Mandatory requirements with regard to the official sign and its display.
328.2 Mandatory requirements with regard to the official advertising statement and manner of use.
328.3 Approved emblem and approved short title which insured banks may use at their option.

AUTHORITY: §§ 328.0 to 328.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 18, Pub. Law 797, 81st Cong.

§ 328.0 *Scope.* The regulation contained in this part prescribes the requirements with regard to the official sign insured banks must display and the requirements with regard to the official advertising statement insured banks must include in their advertisements. It also prescribes an approved emblem and an approved short title which insured banks may use at their option. It imposes no limitations on other proper advertising of insurance of deposits by insured banks and does not apply to advertisements published in foreign countries by insured banks which maintain offices in such foreign countries in which offices the deposits are not insured.

§ 328.1 *Mandatory requirements with regard to the official sign and its display*—(a) *Insured banks to display official sign.* Each insured bank shall continuously display an official sign as hereinafter prescribed at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches: *Provided*, That no bank becoming an insured bank shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. The official sign may be displayed by any insured bank prior to the date display is required.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be seven inches by three inches in size, and shall be of the following design:

Any insured bank may procure official signs from the Corporation or may use any other sign of the same size, wording and appearance which shall have been approved in writing by the Corporation as conforming to the requirements of this section. Such approval will be given

[2] See §§ 304.1 and 304.3 of this chapter.

only in individual cases where the official sign does not harmonize with the bank's counters or fixtures or where it cannot be adequately displayed because of the type of construction of the bank's counters or fixtures. For the procedure to be followed in applying for such approval see § 303.8 of this chapter.

The Corporation shall furnish to banks an order blank for use in procuring the official signs. Any bank which promptly, after receipt of the order blank, fills it in, executes it, and properly directs and forwards it to the Federal Deposit Insurance Corporation, Washington 25, D. C., shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the bank shall omit to display such official sign or signs after same have been tendered to the bank through the instrumentality of the United States mail or otherwise.

(c) *Receipt of deposits at same teller's station or window as noninsured bank.* An insured bank is forbidden to receive deposits at any teller's station or window where any noninsured bank receives deposits.

(d) *Required changes in official sign.* The Corporation may require any insured bank, upon at least thirty days written notice, to change the wording of its official signs in a manner deemed necessary for the protection of depositors or others.

§ 328.2 *Mandatory requirements with regard to the official advertising statement and manner of use.*—(a) *Insured banks to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured bank shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

An insured bank is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured bank.

In cases where the board of directors of the Federal Deposit Insurance Corporation shall find the application to be meritorious, that there has been no neglect or wilful violation in the observance of this section and that undue hardship will result by reason of its requirements, the board of directors may grant a temporary exemption from its provisions to a particular bank upon its written application setting forth the facts. For the procedure to be followed in making such application see § 303.8 of this chapter.

In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured bank may cause the official advertising statement to be included by use of a rubber stamp or otherwise.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "Member of the Federal Deposit Insurance Corporation." The word "the" or the words "of the" may be omitted. The words "This bank is a" or the words "This institution is a" or the name of the insured bank followed by the words "is a" may be added before the word "member".

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank which are required to be published by State or Federal law;

(2) Bank supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit pass books, certificates of deposit, etc.;

(3) Signs or plates in the banking offices or attached to the building or buildings in which the banking offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured bank;

(6) Display advertisements in bank directory, provided the name of the bank is listed on any page in the directory with a symbol or other descriptive matter indicating it is a member of the Federal Deposit Insurance Corporation;

(7) Joint or group advertisements of banking services where the names of insured banks and noninsured banks or institutions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed thirty (30) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed thirty (30) seconds in time;

(10) Advertisements which are of the type or character making it impractical to include therein the official advertising statement, provided such exclusion may only be made upon the prior written consent of the Corporation.

(11) Advertisements which contain a statement to the effect that the bank is a member of the Federal Deposit Insurance Corporation, or that the bank is insured by the Federal Deposit Insurance Corporation, or that its deposits or depositors are insured by the Federal Deposit Insurance Corporation to the maximum of $10,000 for each depositor.

(12) Advertisements relating to the making of loans by the bank or loan services;

(13) Advertisements relating to safe keeping box business or services;

(14) Advertisements relating to trust business or trust department services;

(15) Advertisements relating to real estate business or services;

(16) Advertisements relating to armored car services;

(17) Advertisements relating to service charges or analysis charges;

(18) Advertisements relating to securities business or securities department services;

(19) Advertisements relating to travel department business, including traveler's checks on which the bank issuing or causing to be issued the advertisement is not primarily liable;

(20) Advertisements relating to savings bank life insurance.

(d) *Outstanding bill board advertisements.* Where an insured bank has bill board advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) *Official advertising statement in non-English language.* The non-English equivalent of the official advertising statement may be used in any advertisement: *Provided,* That the translation has had the prior written approval of the Corporation.

§ 328.3 *Approved emblem and approved short title which insured banks may use at their option.*—(a) *Emblem.* The only emblem approved for use by insured banks, when reference therein is made to deposit insurance or membership in the Corporation, is the one reproduced below:

(b) *Short title.* The following short title is approved for use by insured banks only on signs or plates attached to the outside of the bank building: "MEMBER OF FDIC."

(c) *Use of emblem or short title.* If an insured bank desires to use the emblem, it may do so in any of its advertisements and on any of its bank supplies. Since the approved emblem contains the official advertising statement in the outside circle, its use in advertisements requiring the official advertising statement will satisfy the mandatory requirements of § 328.2.

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Sec.

AUTHORITY: §§ 329.0 to 329.6 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 18, Pub. Law 797, 81st Cong.

§ 329.0 *Scope.* The regulation contained in this part relates to the payment of deposits and interest thereon by insured nonmember banks. This part is not applicable to banks which are members of the Federal Reserve System. Regulation Q (Part 217 of this title), prescribed by the Board of Governors of the Federal Reserve System for banks which are members of that System, is not applicable to insured banks which are not members of the Federal Reserve System, except to the extent that the State law of a particular State provides otherwise. The provisions of this part do not apply to mutual savings banks or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia.

§ 329.1 *Definitions*—(a) *Demand deposits.* The term "demand deposit" includes every deposit which is not a "time deposit" or "savings deposit", as defined below.

(b) *Time deposits.* The term "time deposits" means "time certificates of deposit" and "time deposits, open account", as defined below.

(c) *Time certificates of deposit.* The term "time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable:

(1) On a certain date, specified in the instrument, not less than thirty (30) days after the date of the deposit; or

(2) At the expiration of a specified period not less than thirty (30) days after the date of the instrument; or

(3) Upon written notice to be given not less than thirty (30) days before the date of repayment.[1]

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit, other than a "time certificate of deposit" or a "savings deposit", with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than thirty (30) days after the date of the deposit,[2] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than thirty (30) days in advance of withdrawals.[3]

(e) *Savings deposits.* The term "savings deposit" means a deposit evidenced by a pass book consisting of funds (1) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,[4] or (2) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which:

(i) The depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made; or the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal;

(ii) Withdrawals are permitted in only two ways, either upon presentation of the pass book through payment to the person presenting the pass book, or without presentation of the pass book, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.[5]

The provisions of subparagraphs (1) and (2) of this paragraph, limiting savings deposits to funds of certain classes of persons, shall not be applicable to deposits received and credited on or before February 1, 1936, to accounts evidenced by pass books in insured nonmember banks and these deposits, together with interest subsequently payable on such deposits, less any withdrawals from such accounts, may be classed by insured nonmember banks as savings deposits under the terms of this paragraph, even though such deposits belong to an association, organization, or corporation organized for profit. The said provisions of subparagraphs (1) and (2) of this paragraph, however, shall be applicable to deposits received subsequently to February 1, 1936, whether or not such deposits are credited to an account existing prior to February 1, 1936.

The presentation by any officer, agent or employee of the bank of a pass book or a duplicate thereof retained by the bank or by any of its officers, agents or employees is not a presentation of the pass book within the meaning of this part except where the pass book is held by the bank as a part of an estate of which the bank is a trustee or other fiduciary, or where the pass book is held by the bank as security for a loan. If a pass book is retained by the bank, it may not be delivered to any person other than the depositor for the purpose of enabling such person to present the pass book in order to make a withdrawal, although the bank may deliver the pass book to a duly authorized agent of the depositor for transmittal to the depositor.

Every withdrawal made upon presentation of a pass book shall be entered in the pass book at the time of the withdrawal, and every other withdrawal shall be entered in the pass book as soon as practicable after the withdrawal is made.

§ 329.2 *Demand deposits*—(a) *Interest prohibited.* Except as provided in this part, no insured nonmember bank shall directly or indirectly, by any device whatsoever, pay any interest on any demand deposit. Within this part any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest.[6]

(b) *Exceptions.* The prohibition stated in paragraph (a) of this section does not apply to:

(1) Payment of interest accruing before August 24, 1937, on any deposit made by a "savings bank"[7] as defined in section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264), or by a mutual savings bank;

(2) Payment of interest accruing before August 24, 1937, on any deposit of public funds[8] made by or on behalf of any State, county, school district, or other subdivision or municipality, or on any deposit of trust funds, if the payment of interest with respect to such deposit of public funds or of trust funds is required by State law when such deposits are made in State banks;

(3) Payment of interest in accordance with the terms of any certificate of deposit or other contract which was law-

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[1] If the certificate of deposit provides merely that the bank reserves the right to require notice of not less than thirty (30) days before any withdrawal is made, the bank must require such notice before permitting withdrawal.

[2] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, constitute "time deposits, open account", even though some of the deposits are made within thirty (30) days from the end of such period.

[3] If a deposit be made with respect to which the bank merely reserves the right to require notice of not less than thirty (30) days before withdrawal is made, the bank must require such notice to be given before permitting withdrawal.

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[5] Presentation of a pass book may be made over the counter or through the mails; and payment may be made over the counter, through the mails or otherwise, subject to the limitations contained herein as to the person to whom such payment may be made.

[6] The absorption of normal or customary exchange charges by an insured nonmember bank, in connection with the routine collection for its depositors of checks drawn on other banks, does not constitute the payment of interest within the provisions of this part.

[7] Section 3 (g) of the Federal Deposit Insurance Act provides:

"The term 'savings bank' means a bank (other than a mutual savings bank) which transacts its ordinary banking business strictly as a savings bank under State laws imposing special requirements on such banks governing the manner of investing their funds and of conducting their business: *Provided*, That the bank maintains, until maturity date or until withdrawn, all deposits made with it (other than funds held by it in a fiduciary capacity) as time savings deposits of the specific term type or of the type where the right is reserved to the bank to require written notice before permitting withdrawal: *Provided further*, That such bank to be considered a savings bank must elect to become subject to regulations of the Corporation with respect to the redeposit of maturing deposits and prohibiting withdrawal of deposits by checking except in cases where such withdrawal was permitted by law on August 23, 1935 from specifically designated deposit accounts totaling not more than 15 per centum of the bank's total deposits."

[8] Deposits of moneys paid into State courts by private parties pending the outcome of litigation are not deposits of "public funds", within the meaning of the above provision.

fully entered into in good faith before February 1, 1936 (or, if the bank became an insured nonmember bank thereafter, before the date upon which it became an insured nonmember bank), which was in force on such date, and which may not legally be terminated or modified by such bank at its option and without liability; but no such certificate of deposit or other contract may be renewed or extended unless it be modified to eliminate any provision for the payment of interest on demand deposits, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to eliminate from any such certificate of deposit or other contract any provision for the payment of interest on demand deposits.

(c) *Deposits in savings banks.* Deposits in "savings banks" [9] in specifically designated deposit accounts with respect to which withdrawal by checking is permitted in accordance with section 3 (g) of the Federal Deposit Insurance Act, shall, for the purposes of this part, be classed as demand deposits.

§ 329.3 *Maximum rate of interest on time and savings deposits*—(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no insured nonmember bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No insured nonmember bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the board of directors of the Federal Deposit Insurance Corporation shall prescribe from time to time; and any rate or rates which may be so prescribed by the board will be set forth in supplements to this part (see § 329.6), which will be issued in advance of the date upon which such rate or rates become effective.

(b) *Modification of contracts to conform to regulation.* No certificate of deposit or other contract shall be renewed or extended unless it be modified to conform to the provisions of this part, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to bring all of its outstanding certificates of deposit or other contracts into conformity with the provisions of this part.

(c) *Savings deposits received during the first 5 days of month.* An insured nonmember bank may pay interest on a savings deposit received during the first 5 days of any calendar month at the applicable maximum rate prescribed pursuant to the provisions of paragraph (a) of this section, calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur.

(d) *Continuance of time deposit status.* A deposit which was a time deposit at the date of deposit continues to be such until maturity, although it has become payable within thirty (30) days, and interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid until maturity upon such deposit. A time deposit or a savings deposit, with respect to which notice of withdrawal has been given, continues to be such until the expiration of the period of such notice, and interest may be paid upon such deposit until the expiration of the period of such notice at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section. Interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid upon savings deposits with respect to which notice of intended withdrawal has not actually been required or given. No interest shall be paid by an insured nonmember bank on any amount which by the terms of any certificate or other contract or agreement, or otherwise, the bank may be required to pay within thirty (30) days from the date on which such amount is deposited in such bank,[10] except as to savings deposits with respect to which the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal.

(e) *No interest after maturity or expiration of notice; exception.* No interest shall be paid on any time or savings deposit for any period subsequent to maturity, whether such deposit matures by its terms on a specific date or at the expiration of a notice period pursuant to written notice actually given, except if a time certificate is renewed within ten (10) days after maturity, the renewal certificate [11] may draw interest from the maturity date of the matured certificate.

§ 329.4 *Payment of time deposits before maturity*—(a) *Time deposits payable on a specified date.* No insured nonmember bank shall pay any time deposit, which is payable on a specified date, before such specified date, except as provided in paragraph (d) of this section.

(b) *Time deposits payable after a specified period.* No insured nonmember bank shall pay any time deposit, which is payable at the expiration of a specified period, before such period has expired, except as provided in paragraph (d) of this section.

(c) *Time deposits payable after a specified notice.* No insured nonmember bank shall pay any time deposit, with respect to which notice is required to be given a specified period before any withdrawal is made, until such required notice has been given and the specified period thereafter has expired, except as provided in paragraph (d) of this section.

(d) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to the depositor upon the security of his time deposit, provided that the rate of interest on such loan shall be not less than 2 percent per annum in excess of the rate of interest on the time deposit.

Where a loan to the depositor upon the security of his time deposit upon terms satisfactory to the insured nonmember bank and the depositor cannot be arranged, and where the depositor signs a written statement to be kept in the files of the bank that he is in need of money represented by the time deposit before the maturity thereof, stating the definite amount needed, the time deposit may be paid before maturity to the extent required to meet such need, but the depositor shall forfeit accrued and unpaid interest for a period of not less than three months on the amount withdrawn. When a portion of a time certificate of deposit is paid before maturity, the certificate shall be canceled and a new certificate shall be issued for the unpaid portion of the deposit, with the same terms, rate, date, and maturity as the original deposit.

§ 329.5 *Notice of withdrawal of savings deposits*—(a) *Requirements regarding notice.* An insured nonmember bank shall observe the requirements set forth as follows in requiring notice of intended withdrawal of any savings deposit or part thereof or in permitting withdrawal without requiring such notice:

(1) If an insured nonmember bank pay any amount or percentage of the savings deposits of any depositor without requiring such notice, it shall, upon request, and without requiring such notice, pay the same amount or percentage of the savings deposits of every other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with paragraph (b) of this section.

(2) If an insured nonmember bank requires such notice before the payment of any amount or percentage of the savings deposits of any depositor, it shall require such notice before the payment of the same amount or percentage of the savings deposits of any other depositor, subject to the same notice requirement, except if the bank changes its practice in accordance with paragraph (b) of this section. Even though the bank's practice is to require notice, an insured nonmember bank is not prevented by this part from paying during the next succeeding interest period without requiring notice of withdrawal interest on a savings deposit which has accrued during the preceding interest period.

(b) *Requirements regarding change of practice.* No insured nonmember bank shall change its practice with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits, except after duly recorded action of its board of directors or of its executive committee properly authorized, and no practice in this respect shall be adopted which does not conform to

[9] See footnote 7.

[10] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, constitute "time deposits, open account" even though some of the deposits are made within thirty (30) days from the end of such period.

[11] Where a time certificate is renewed within ten (10) days after maturity, the renewal certificate may be dated back to the maturity date of the matured certificate.

the requirements of paragraphs (a) (1) and (a) (2) of this section.

(c) *Change of practice for purpose of discrimination.* No change in the practice of an insured nonmember bank with respect to the requiring or not requiring of notice of intended withdrawal of savings deposits shall be made for the purpose of discriminating in favor of or against any particular depositor or depositors.

(d) *Requirements applicable although no interest paid.* An insured nonmember bank shall observe the requirements of this section with respect to savings deposits even though no interest be paid on such deposits.

(e) *Loans upon security of savings deposits.* An insured nonmember bank may make a loan to any of its depositors upon the security of his savings deposits, provided that if the bank's practice is to require notice before permitting withdrawal of any amount or percentage of the savings deposits of any depositor, the rate of interest on such loan shall not be less than 2 percent per annum in excess of the rate of interest on the savings deposit.

§ 329.6 *Maximum rates*[12] *of interest payable on time and savings deposits by insured nonmember banks*—(a) *Maximum rate of 2½ percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 2½ percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed,

(1) On any savings deposit,

(2) On any time deposit having a maturity date 6 months or more after the date of deposit or payable upon written notice of 6 months or more,

(3) On any postal savings deposit which constitutes a time deposit,

except that an insured nonmember bank may pay interest on any such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936 (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank), which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(b) *Maximum rate of 2 percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 2 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed, on any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or which is originally or becomes payable upon written notice of less than 6 months and not less than 90 days, except that an insured nonmember bank may pay interest on such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936 (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank), which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(c) *Maximum rate of 1 percent.* No insured nonmember bank shall pay interest accruing after February 1, 1936, at a rate in excess of 1 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed, on any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or which is originally or becomes payable upon written notice of less than 90 days, except that an insured nonmember bank may pay interest on such deposits in accordance with the terms of any certificate of deposit or other contract which was entered into before February 1, 1936 (or, if the bank becomes an insured nonmember bank thereafter, before the date upon which it becomes an insured nonmember bank), which was in force on such date and which may not legally be terminated or modified by such bank at its option and without liability.

(d) *Discontinuance of payments on outstanding certificates of indefinite maturities.* Banks which on January 23, 1936, have outstanding certificates of indefinite maturities representing deposit liabilities drawing interest as savings deposits must within 1 year from February 1, 1936, discontinue to pay thereon the rate applicable hereunder to savings deposits unless meanwhile the same be converted into savings deposits as defined in this part.

PART 330—RECOGNITION OF DEPOSIT OWNERSHIP NOT ON BANK RECORDS

Sec.

330.1 Deposits evidenced by negotiable instruments.

330.2 Deposit obligations for payment of items forwarded for collection by bank acting as agent.

330.3 Deposits of public officers.

330.4 Deposits in custodial accounts.

AUTHORITY: §§ 330.1 to 330.4 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 12, Pub. Law 797, 81st Cong.

§ 330.1 *Deposits evidenced by negotiable instruments.* If any insured deposit obligation of a bank be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank provided the instrument was in fact negotiated to such owner prior to the date of the closing of the bank. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 330.2 *Deposit obligations for payment of items forwarded for collection by bank acting as agent.* Where a closed bank has become obligated for the payment of items forwarded for collection by a bank acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank when such claim for insured deposits, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such bank forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured bank to the Federal Deposit Insurance Corporation and for the purpose of receiving payment on behalf of such owners.

§ 330.3 *Deposits of public officers.* The owner of any portion of a deposit appearing on the records of a closed bank under the name of a public official, state, county, city, or other political subdivision will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank: *Provided*, That the interest of such owner in the deposit is disclosed on the records maintained by such public official, state, county, city, or other political subdivision and, *Provided further*, That such records have been maintained in good faith and in the regular course of business.

§ 330.4 *Deposits in custodial accounts.* The owner of any portion of a deposit appearing on the records of a closed bank under a name other than that of the claimant, whose name or interest as such owner is not disclosed on the records of the closed bank as part owner of said deposit, will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank: *Provided*, That the deposit is maintained in a specifically designated deposit account or accounts in such a manner as to disclose the custodial nature thereof and, *Provided further*, That the name and interest of such owner in the deposit is disclosed on the records of the person in whose name the deposit is maintained and such records have been maintained in good faith and in the regular course of business.

PART 331—INSURANCE OF TRUST FUNDS

§ 331.1 *Claim by fiduciary bank for insured deposits of trust estates.* In the event of the closing of an insured bank for inability to meet the demands of its depositors, the claim for insured deposits made by a fiduciary bank or trust company which, in the exercise of its trust powers, had deposited trust funds therein will be determined as follows:

(a) *Allocated funds of a trust estate.* If trust funds of a particular trust estate

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[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an insured nonmember bank, or at an office of an insured nonmember bank, located outside of the States of the United States and the District of Columbia.

[13] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

are allocated by the fiduciary and deposited, the deposit with respect to such estate will be determined by ascertaining the amount of its funds allocated, deposited and remaining to the credit of the claimant as fiduciary in the closed insured bank.

(b) *Interest of a trust estate in unallocated trust funds.* If trust funds of a particular trust estate be mingled [1] with trust funds of other trust estates and deposited by the fiduciary bank or trust company in one or more insured banks to the credit of the depositing bank or trust company as fiduciary, without allocation of specific amounts from the particular trust estate to an account in such bank or banks, the deposit with respect to such estate in any closed insured bank will be the amount which will bear the same ratio to all unallocated funds of the estate for which the fiduciary is accountable as the entire unallocated trust funds to the credit of the fiduciary bank or trust company in the closed insured bank will bear to the entire amount of such funds so deposited by the fiduciary in all depositories.[2]

(c) *Claims for funds of corporate trusts determined on basis of allocation.* The rule stated in paragraph (b) of this section will not be applied to funds of a bank or trust company held as fiduciary under a type of trust created to facilitate the issuance, distribution, or servicing of corporate bonds, debentures, or stock issues, commonly known as corporate trusts. The claim of the fiduciary bank with respect to deposits of such funds will be determined according to allocations of the funds of particular estates to particular deposit accounts.

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of a fiduciary bank or trust company with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph of this section shall be combined with that determined under any other subsection of this section and the insured deposit shall be the total less any amount thereof in excess of $10,000.

(Sec. 9, Pub. Law 797, 81st Cong. Interprets or applies secs. 3, 7, 12, Pub. Law 797, 81st Cong.).

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Sec.
332.1 Inconsistent powers.
332.2 Exercise prohibited.

AUTHORITY: §§ 332.1 and 332.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 6, Pub. Law 797, 81st Cong.

§ 332.1 *Inconsistent powers.* A State nonmember insured bank (except a District bank) which does not have any of the powers hereinafter enumerated, or which, although it has any such power, does not exercise the same, shall not hereafter exercise, take, or assume the power: (a) to do a surety business; (b) to insure the fidelity of others; (c) to engage in insuring, guaranteeing or certifying titles to real estate; or (d) to guarantee or become surety upon the obligations of others.[3]

§ 332.2 *Exercise prohibited.* After the effective date of this part, any State nonmember bank (except a District bank) becoming an insured bank shall not thereafter exercise any of the powers enumerated in § 332.1.

PART 333—EXTENSION OF CORPORATE POWERS

REGULATIONS

Sec.
333.1 Classification of general character of business.
333.2 Change in general character of business.

INTERPRETATIONS

333.101 Prior consent not required.

AUTHORITY: §§ 333.1 to 333.101 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 6, Pub. Law 797, 81st Cong.

REGULATIONS

§ 333.1 *Classification of general character of business.* State nonmember insured banks are divided into five categories for the purpose of classifying their general character or type of business,[4] viz: commercial banks, banks and trust companies, savings banks (including mutual and stock), industrial banks, and cash depositories.

§ 333.2 *Change in general character of business.* No State nonmember insured bank (except a District bank) or branch thereof shall hereafter cause or permit any change to be made in the general character or type of business exercised by it after the effective date of this part without the prior written consent of the Corporation.

INTERPRETATIONS

§ 333.101 *Prior consent not required.* The extension by any State nonmember insured bank of its business to include personal, character or instaliment loans, or the extension by an industrial bank of its business to include those of a commercial bank, is not a change in the general character or type of business requiring the prior written consent of the Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 50-11160; Filed, Dec. 5, 1950; 8:57 a. m.]

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[1] This section is not to be construed as an express or implied approval of such commingling of trust funds as may be involved in the maintaining of general trust accounts.

[2] In determining claims under this paragraph, unallocated trust funds in the fiduciary bank will be included in the totals of such funds.

[3] The limitations prescribed in paragraph (d) do not include acceptances or endorsements made in the usual course of the banking business.

[4] A bank's business may include two or more of the general classifications.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 313]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 309]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 313 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 309 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

In Schedule C of said Rent regulations, the description of localities affected by declarations for continuation of rent control after December 31, 1950 is amended with respect to certain Defense-Rental Areas to read as follows:

1. (48) Hartford-New Britain, Connecticut, Defense-Rental Area:

In Hartford County, the Cities of Bristol, Hartford and New Britain, the Towns of East Hartford and Windsor, and all unincorporated localities, if any, in the Towns of Berlin, Bloomfield, East Windsor, Farmington, Glastonbury, Manchester, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Weathersfield and Windsor Locks; in Middlesex County, all unincorporated localities, if any, in the Towns of Cromwell, Middlefield and Portland; in New Haven County, the City of Meriden, the Borough of Wallingford, and all unincorporated localities, if any, in the Town of Wallingford; and in Tolland County, all unincorporated localities, if any, in the Town of Vernon.

In the remainder of Hartford County, all unincorporated localities, if any; in the remainder of Middlesex County, the Town of East Haddam and all unincorporated localities, if any; and in the remainder of Tolland County, all unincorporated localities, if any.

This adds to Schedule C the Town of East Haddam, Connecticut, as of November 1, 1950.

2. (49) New Haven, Connecticut, Defense-Rental Area:

In New Haven County, the Cities of Ansonia, Derby and New Haven, the Towns of Branford, East Haven, Hamden, Milford, Seymour and West Haven, and all unincorporated localities, if any, in the Towns of Guilford, Madison, North Branford, North Haven, Orange and Woodbridge.

This adds to Schedule C the Town of Milford, Connecticut, as of November 6, 1950.

3. (50) New London, Connecticut, Defense-Rental Area:

In New London County, the City of New London and the Towns of Griswold, Groton and Stonington.

This adds to Schedule C the following localities in the State of Connecticut:

(1) Town of Groton, as of September 25, 1950.

(2) Town of Stonington, as of October 30, 1950.

(3) Town of Griswold, as of November 7, 1950.

4. (140) Hagerstown, Maryland, Defense-Rental Area:

In Washington County (exclusive of Election Districts 1, 8, 9, 11, 12, 14 and 20), the City of Hagerstown, the Town of Smithsburg and all unincorporated localities.

This adds to Schedule C the Town of Smithsburg, Maryland, as of November 6, 1950.

5. (143) Eastern Massachusetts, Defense-Rental Area:

In Middlesex County, the Cities of Lowell and Waltham, and the Towns of North Reading, Stoneham and Wakefield; in Norfolk County, the Towns of Stoughton and Westwood; and in Suffolk County, the Cities of Boston and Chelsea.

This adds to Schedule C the City of Waltham, Massachusetts, as of October 23, 1950.

6. (160) Minneapolis-St. Paul, Minnesota, Defense-Rental Area:

In Dakota County, the Cities of South St. Paul and West St. Paul; in Ramsey County, the City of St. Paul; and in Washington County, the Village of Forest Lake.

This adds to Schedule C the cities of South St. Paul, Minnesota, as of November 6, 1950, and West St. Paul, as of November 8, 1950.

7. (174) St. Louis, Missouri, Defense-Rental Area:

The City of St. Louis; in Jefferson County, all unincorporated localities; in St. Charles County, the City of St. Charles and all unincorporated localities; and in St. Louis County, the Cities of Clayton, Maplewood and Richmond Heights and all unincorporated localities.

In Madison County, the City of Madison and all unincorporated localities; and in St. Clair County, the City of East St. Louis, the Villages of Dupo, New Athens, and Swansea, and all unincorporated localities.

This adds to Schedule C the Cities of Richmond Heights, Missouri, as of November 6, 1950, and Maplewood, Missouri, as of November 8, 1950.

8. (190) Northeastern New Jersey, Defense-Rental Area:

In Bergen County, the City of North Arlington, the Boroughs of Bergenfield, Cliffside Park, Closter, East Rutherford, Edgewater, Fort Lee, Harrington Park, Palisades Park and Tenafly, the Township of Teaneck and all unincorporated localities; in Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities; in Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny and West New York, the Township of North Bergen, and all unincorporated localities; in Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Helmetta, Highland Park, South Plainfield and South River, the Townships of Piscataway and Raritan, and all unincorporated localities; in Monmouth County, the City of Long Branch, the Boroughs of Deal and Red Bank, and all unincorporated localities; in Morris County, the Borough of Wharton, the Towns of Dover and Morristown, the Townships of Denville and Hanover and all unincorporated localities; in Passaic County, the Cities of Clifton and Paterson, and all unincorporated localities; in Somerset County, the Borough of Raritan, and all unincorporated localities; and in Union County, the Cities of Elizabeth, Linden and Rahway, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Hillside and Union, and all unincorporated localities.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Townships of Piscataway and Union, as of October 10, 1950.

(2) Township of Hillside, as of October 25, 1950.

(3) Township of Millburn, as of November 6, 1950.

(4) Borough of Bergenfield, as of November 13, 1950.

9. (191) Trenton, New Jersey, Defense-Rental Area:

In Hunterdon County, the Borough of Frenchtown, and all unincorporated localities; in Mercer County, the City of Trenton, the Townships of Ewing and Hamilton, and all unincorporated localities; and in Warren County (exclusive of the Townships of Pahaquarry, Hardwick and Frelinghausen), the Town of Hackettstown and all unincorporated localities.

This adds to Schedule C the Borough of Frenchtown, New Jersey, as of November 2, 1950.

10. (221) New Bern, North Carolina, Defense-Rental Area:

In Carteret County, the City of Morehead City; and in Craven County, the Town of Bridgeton.

This adds to Schedule C the Town of Bridgeton, North Carolina, as of November 6, 1950.

11. (241) Youngstown-Warren, Ohio, Defense-Rental Area:

In Mahoning County, the Cities of Campbell, Struthers and Youngstown, the Village of Lowellville, and all unincorporated localities; and in Trumbull County, the Cities of Girard and Niles, the Village of McDonald, and all unincorporated localities.

This adds to Schedule C the City of Campbell, Ohio, as of October 19, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 1st day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-11070; Filed, Dec. 5, 1950; 8:49 a. m.]

[Controlled Housing Rent Reg., Amdt. 314]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 310]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

PENNSYLVANIA, VERMONT, WEST VIRGINIA AND PUERTO RICO

Amendment 314 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 310 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

In Schedule C of said Rent Regulations, the description of localities affected by declarations for continuance of rent control after December 31, 1950 is amended with respect to certain Defense-Rental Areas to read as follows:

1. (263) Lancaster-York-Reading, Pennsylvania, Defense-Rental Area:

In Berks County, the City of Reading and the Borough of Birdsboro.

This adds to Schedule C the Borough of Birdsboro, Pennsylvania, as of November 6, 1950.

2. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County, the Cities of Clairton, Duquesne and McKeesport, the Boroughs of Braddock, Braddock Hills, Bridgeville, Carnegie, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Glassport, Homestead, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Homestead, West Mifflin and Wilmerding, and the Townships of Leet, Reserve, Stowe and West Deer; in Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Midland and Monaca, and the Township of Chippewa; in Fayette County, the Boroughs of Belle Vernon, Masontown and South Connellsville, and the Township of Franklin; in Greene County, the Township of Jefferson; in Lawrence County, the Borough of Elwood City; in Washington County, the Boroughs of Bentleyville, Burgettstown, Canonsburg, Donora, New Eagle, North Charleroi and West Brownsville, and the Township of North Strabane; and in Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, and the Boroughs of East Vandergrift, Export and Manor.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Leet Township, as of September 11, 1950.

(2) Township of Franklin, as of October 2, 1950.

(3) Borough of Wilmerding, as of October 3, 1950.

(4) Township of Jefferson, as of October 7, 1950.

(5) Borough of South Connellsville, as of October 9, 1950.

(6) Townships of Stowe and Chippewa, as of October 11, 1950.

(7) Borough of Ellwood City, as of November 9, 1950.

3. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:

In Carbon County, the Boroughs of Lansford and Weatherly; in Lackawanna County, the Boroughs of Jermyn and Winton; in Luzerne County, the Boroughs of Exeter and West Wyoming; and in Schuylkill County, the Borough of Tamaqua.

This adds to Schedule C the Borough of Winton, Pennsylvania, as of October 7, 1950.

4. (272) Williamsport, Pennsylvania, Defense-Rental Area:

In Lycoming County, the City of Williamsport and all unincorporated localities, if any, in the Townships of Armstrong, Loyalsock and Old Lycoming.

In Columbia County, all unincorporated localities, if any, in the Township of Scott, and the Town of Bloomsburg; in North Umberland County, the City of Sunbury, and all unincorporated localities, if any, in the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, all unincorporated localities, if any, in the Townships of Monroe and Penn; and in Union County,

the Borough of Lewisburg and all unincorporated localities, if any, in the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, and all unincorporated localities, if any, in the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne, and Woodward.

This adds to Schedule C (1) the Borough of Lewisburg, Pennsylvania, as of November 7, 1950, (2) the City of Sunbury, Pennsylvania, as of November 13, 1950, and (3) all unincorporated localities in the Defense-Rental Area as of November 13, 1950, by virtue of declarations made by incorporated localities constituting the major portion of the Defense-Rental Area.

5. (337a) Burlington, Vermont, Defense-Rental Area:

In Chittenden County, the Cities of Burlington and Winooski, and all unincorporated localities, if any, in the Town of South Burlington.

This adds to Schedule C the City of Winooski, Vermont, as of November 7, 1950.

6. (337c) Montpelier, Vermont, Defense-Rental Area:

In Washington County, the Cities of Barre and Montpelier.

This adds to Schedule C the City of Barre, Vermont, as of November 7, 1950.

7. (354b) Bluefield, West Virginia, Defense-Rental Area:

In Mercer County, the Towns of Athens and Matoaka.

In McDowell County, the Towns of Davy and Northfork; and in Raleigh County, the Towns of Mabscott, Rhodell and Sophia.

This adds to Schedule C the following localities in the State of West Virginia:

(1) Town of Matoaka, as of October 9, 1950.

(2) Town of Athens, as of October 18, 1950.

(3) Town of Rhodell, as of October 30, 1950.

8. (356b) Logan, West Virginia, Defense-Rental Area:

In Logan County, the City of Logan and the Towns of Man and Mitchell Heights.

This adds to Schedule C the Town of Mitchell Heights, West Virginia, as of October 10, 1950 and the City of Logan, West Virginia, as of October 16, 1950.

9. (357) Morgantown, West Virginia, Defense-Rental Area:

In Marion County, the Towns of Grant Town and Monongah.

This adds to Schedule C the Town of Grant Town, West Virginia, as of November 2, 1950.

10. (371) Puerto Rico, Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Cidra, Coamo, Comerio, Corozal, Fajardo, Guayama, Gueyanilla, Hatillo, Humacoa, Isabella, Jayuya, Juana Diaz, Lajas, Las Marias, Loiza, Luquillo, Manati, Mayaguez, Moca, Naranjito, Ponce, Quebradillas, Rincon, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Baja, Vieques and Villalba.

This adds to Schedule C the Municipality of Arroyo, Puerto Rico, as of October 6, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 1st day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-11119; Filed, Dec. 5, 1950; 8:56 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 311]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KENTUCKY

Amendment 311 to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments (§§ 825.81 to 825.92). Said regulation is amended in the following respects:

1. Schedule A, Item 100, is amended to describe the counties in the Defense-Rental Area as follows:

Vanderburgh.
Henderson and Union.

This recontrols Union County, Kentucky, as part of the Evansville-Henderson, Indiana, Defense-Rental Area, which county was heretofore decontrolled as of May 1, 1947.

2. A new Item is incorporated in Schedule B to read as follows:

76. Provisions relating to Union County, Kentucky, a part of the Evansville-Henderson Defense-Rental Area.

Recontrol of Union County, Kentucky, as a part of the Evansville-Henderson Defense-Rental Area. Effective December 1, 1950, the provisions of §§ 825.81 to 825.92 shall apply to housing accommodations in Union County, Kentucky, a part of the Evansville-Henderson Defense-Rental Area (which said county was heretofore decontrolled as of May 1, 1947), except as modified by the following provisions:

(1) *Maximum rents and reductions thereof.* (a) The maximum rents for any room subject to §§ 825.81 to 825.92 shall be the maximum rents in effect on May 1, 1947: *Provided, however,* That (i) if a Report of Maximum Rent is filed within the required time, the maximum rents shall be increased by 15 percent, effective as of December 1, 1950, and (ii) if such a Report is filed subsequent to the required time, the maximum rents shall be increased by 15 percent beginning only as of the date on which such Report is filed.

(b) The maximum rents for any room which had no maximum rent in effect on May 1, 1947 (including cases in which there was a substantial increase or decrease of living space), or which had no maximum rent for a certain term of occupancy and/or number of occupants, shall be the first rent for each such term of occupancy and/or number of occupants on or after May 1, 1947, but prior to December 1, 1950.

(c) Any maximum rent established by paragraph (1) (b) hereof shall be subject to reduction by order of the Expediter in accordance with the standards set forth in § 825.85 (c) (1) and (4). If the landlord fails to file a Report of Maximum Rent within the required time, the rent received for any rental period commencing on or after December 1, 1950 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.85 (c) (1) or (4). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under § 825.85 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such Report of Maximum Rent.

(d) The provisions of § 825.84 (c) and (d) shall apply to all cases in which any room is first rented on or after December 1, 1950, or is first rented on or after that date for a certain term of occupancy and/or number of occupants, but the reference in §§ 825.84 (c) and 825.85 (c) (1) to Registration Statement shall be taken to mean reference to Report of Maximum Rent.

(2) *Report of Maximum Rent.* Every landlord of controlled rooms rented or offered for rent shall, within the required time, file in the Area Rent Office a Report of Maximum Rent on forms provided by the Expediter in accordance with the instructions on such forms. In subparagraphs (2) and (3) of § 825.87 (a), the words "Report of Maximum Rent" shall be substituted for the words "Registration statement."

(3) *Minimum services, etc.* Every landlord shall as a minimum provide with rooms the same living space and the same essential services, furniture, furnishings and equipment as were provided on December 1, 1950, and as to other services, furniture, furnishings and equipment not substantially less than those provided on December 1, 1950, plus or minus any increases or decreases made pursuant to § 825.85 (a) (3) or § 825.85 (b): *Provided, however,* That the Expediter may order a reduction in the maximum rent effective December 1, 1950, if the decrease (other than a decrease in living space) occurred between May 1, 1947 and December 1, 1950, in accordance with the provisions of §§ 825.85 (c) (3) and 825.85 (b).

(4) *Miscellaneous provisions.* (a) The provisions of § 825.84 (f) shall apply except that the date "April 30, 1947" shall be substituted for "June 30, 1947" and "May 1, 1947" shall be substituted for "July 1, 1947."

(b) All maximum rents established hereunder shall be subject to adjustment in accordance with the applicable provisions of § 825.85.

(c) If, on December 1, 1950, there was a ground for adjustment under § 825.85 for which no order had previously been issued, and a Report of Maximum Rent is filed within the required time, or a petition for adjustment is filed within such time, any adjustment granted on the basis of the facts presented therein shall be effective as of December 1, 1950.

(d) The provisions of § 825.86 shall not apply to any case in which judgment was entered prior to December 1, 1950 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(e) In § 825.87 (b), the date "December 31, 1950" shall be substituted for "July 10, 1947," and the term "Report of Maximum Rent" shall be substituted for "Registration Statement."

(5) *Definitions.* As used in this Item 76 of Schedule B, the term: "Maximum rent in

effect on May 1, 1947" means the maximum rent as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder.

"Required time" for the filing of Reports of Maximum Rents means 30 days from December 1, 1950 (or 10 days from the date of first renting or offering for rent, as the case may be, where a maximum rent is established on or after December 1, 1950 under § 825.84 (c) or (d)), or such extended time period as the Expediter may specify in any case in which he finds, from facts presented by the landlord, that additional time is or was reasonably necessary.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1897)

This amendment shall become effective December 1, 1950.

Issued this 1st day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-1118; Filed, Dec. 5, 1950; 8:56 a. m.]

[Controlled Housing Rent Reg., Amdt. 315]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KENTUCKY

Amendment 315 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12). Said regulation is amended in the following respects:

1. Schedule A, Item 100, is amended to describe the counties in the Defense-Rental Area as follows:

Vanderburgh.
Henderson and Union.

This recontrols Union County, Kentucky, as part of the Evansville-Henderson, Indiana, Defense-Rental Area, which county was heretofore decontrolled as of May 1, 1947.

2. A new Item is incorporated in Schedule B to read as follows:

76. Provisions relating to Union County, Kentucky, a part of the Evansville-Henderson, Indiana, Defense-Rental Area.

Recontrol of Union County, Kentucky, as a part of the Evansville-Henderson, Indiana, Defense-Rental Area. Effective December 1, 1950, the provisions of §§ 825.1 to 825.12 shall apply to housing accommodations in Union County, Kentucky, a part of the Evansville-Henderson, Indiana, Defense-Rental Area (which said county was heretofore decontrolled as of May 1, 1947), except as modified by the following provisions:

(1) *Maximum rents and reductions thereof.* (a) For housing accommodations which had a maximum rent in effect on May 1, 1947, and which were not subject to change as specified in paragraph (1) (b) hereof, the maximum rent shall be the maximum rent in effect on such date: *Provided, however,* That (i) if a Report of Maximum Rent is filed within the required time, the maximum rent shall be increased by 15 percent, effective as of December 1, 1950, and (ii) if such a Report is filed subsequent to the required time, the maximum rent shall be increased by 15 percent beginning only as of the date on which such Report is filed.

(b) For housing accommodations which had a maximum rent in effect on May 1, 1947, but which was subsequently changed prior to December 1, 1950, by a major capital improvement or from unfurnished to fully furnished, the maximum rent shall be the maximum rent in effect on May 1, 1947: *Provided, however,* That (i) if a Report of Maximum Rent is filed within the required time, the maximum rent shall be the first rent after such change, effective as of December 1, 1950, and (ii) if such a Report is filed subsequent to the required time, the maximum rent shall be such first rent beginning only as of the date on which such Report is filed.

(c) For housing accommodations for which no maximum rent was in effect on May 1, 1947, but which were thereafter rented prior to December 1, 1950 (including cases in which there was a substantial increase or decrease of living space between said dates), the maximum rent shall be the first rent on or after May 1, 1947.

(d) Any maximum rent established by paragraph (1) (b) or (c) hereof (except those established on the basis of a maximum rent in effect on May 1, 1947) shall be subject to reduction by order of the Expediter in accordance with the standards set forth in § 825.5 (c) (1) and (6). In the case of a maximum rent established by paragraph (1) (c) hereof, if the landlord fails to file a Report of Maximum Rent within the required time, the rent received for any rental period commencing on or after December 1, 1950, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under § 825.5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such Report of Maximum Rent.

(e) The provisions of § 825.4 (c) shall apply to all cases in which housing accommodations are first rented on or after December 1, 1950, and the provisions of § 825.4 (e) shall apply to all cases in which there is a substantial change of living space on or after December 1, 1950, but all references in said provisions to Registration Statements shall be taken to mean references to Report of Maximum Rents.

2. *Report of maximum rent.* Every landlord of controlled housing accommodations rented or offered for rent shall, within the required time, file in the Area Rent Office a Report of Maximum Rent on forms provided by the Expediter in accordance with the instructions on such forms. In the third and fourth unnumbered paragraphs of § 825.7 (a) the words "Report of Maximum Rent" shall be substituted for the words "Registration statement."

3. *Minimum services, etc.* Every landlord shall as a minimum provide with housing accommodations the same essential services, furniture, furnishings and equipment as were provided on December 1, 1950, and as to other services, furniture, furnishings and equipment not substantially less than those provided on December 1, 1950, plus or minus any increases or decreases made pursuant to § 825.5 (a) (3) or § 825.5 (b): *Provided, however,* That the tenant's consent shall not be required in adjustments under § 825.5 (a) (3) where the increase occurred between May 1, 1947 and December 1, 1950: *And provided further,* That the Expediter may order a reduction in the maximum rent, effective December 1, 1950, if a decrease occurred between said dates, in accordance with the provisions of §§ 825.5 (c) (3) and 825.5 (b).

4. *Miscellaneous provisions.* (a) The provisions of § 825.4 (d) shall apply except that the date "April 30, 1947" shall be substituted for "June 30, 1947" and "May 1, 1947" shall be substituted for "July 1, 1947."

(b) All maximum rents established hereunder shall be subject to adjustment in accordance with the applicable provisions of § 825.5.

(c) If, on December 1, 1950, there was a ground for adjustment under § 825.5 for which no order had previously been issued, and a Report of Maximum Rent is filed within the required time, or a petition for adjustment is filed within such time, any adjustment granted on the basis of the facts presented therein shall be effective as of December 1, 1950.

(d) The provisions of § 825.6 shall not apply to any case in which judgment was entered prior to December 1, 1950 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(5) *Definitions.* As used in this Item 76 of Schedule B, the term:

"Maximum rent in effect on May 1, 1947" means the maximum rent as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder.

"Required time" for the filing of Reports of Maximum Rents means 30 days from December 1, 1950 (or 30 days from the date of first renting, in the case of housing accommodations first rented on or after December 1, 1950), or such extended time period as the Expediter may specify in any case in which he finds, from facts presented by the landlord, that additional time is or was reasonably necessary.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 1st day of December 1950.

This amendment shall be effective December 1, 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-11120; Filed, Dec. 5, 1950; 8:56 a. m.]

[Controlled Housing Rent Reg., Amdt. 316]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 312]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LOUISIANA

Amendment 316 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 312 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 130c, is amended to describe the counties in the Defense-Rental Area as follows:

In Tangipahoa Parish, the City of Hammond and the remainder of Police Jury Ward 7.

This recontrols that part of Police Jury Ward 7, which is outside of the City of Hammond in Tangipahoa Parish, Louisiana, a portion of the Hammond, Louisiana, Defense-Rental Area. Said City of Hammond is and has been continuously under rent control, but the remainder of said Ward was heretofore decontrolled as of October 5, 1949.

2. A new Item is hereby incorporated in Schedule B to read as follows:

77. Provisions relating to Police Jury Ward 7, other than the City of Hammond, in Tangipahoa Parish, Louisiana, a portion of the Hammond, Louisiana, Defense-Rental Area.

Recontrol of Police Jury Ward 7, other than the City of Hammond, in Tangipahoa Parish, Louisiana, a portion of the Hammond, Louisiana, Defense-Rental Area. Effective December 1, 1950, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in Police Jury Ward 7, other than the City of Hammond, in Tangipahoa Parish, Louisiana, a portion of the Hammond, Louisiana, Defense-Rental Area (said Ward other than said City of Hammond having been heretofore decontrolled as of October 5, 1949), except as modified by the following provisions:

a. All orders in effect on October 4, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92 shall be in full force and effect.

b. If, on December 1, 1950, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before December 31, 1950, the adjustment shall be effective as of December 1, 1950.

c. If, on December 1, 1950, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before December 31, 1950 requesting approval of the decreased services. If, on December 1, 1950, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before December 31, 1950, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this pargaraph "c", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which, on December 1, 1950, was required or authorized by §§ 825.1 to 825.12 or §§ 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from December 1, 1950.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to December 1, 1950, by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective December 1, 1950.

Issued this 1st day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-11121; Filed, Dec. 5, 1950; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 726—REGULATIONS FOR THE PAYMENTS OF AMOUNTS DUE MENTALLY INCOMPETENT NAVAL PERSONNEL

Sec.

AUTHORITY: §§ 726.1 to 726.11 issued under sec. 3, Pub. Law 569, 81st Cong.

§ 726.1 *Applicability.* The Judge Advocate General of the Navy is hereby designated and is authorized to appoint, in his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Navy or Marine Corps, including transferred members of the Fleet Reserve and Fleet Marine Corps Reserve, and members of the Reserve components of the Navy and Marine Corps entitled to Federal pay either on the active or any retired list of said services, who, in the opinion of competent medical authority, have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

§ 726.2 *Requests for appointment of trustee.* Requests for the appointment of a person or persons to receive moneys due personnel believed to be mentally incapable of managing their own affairs may be submitted to the Judge Advocate General: By any person or persons who believe, because of relationship, they should be appointed to receive payments on behalf of the alleged mental incompetent; by the commanding officer of the alleged incompetent if the latter is on active duty; by the commanding officer of any armed forces hospital in which the alleged mental incompetent is undergoing treatment; by the head of any veterans' hospital, or other public or private institution in which the alleged incompetent is undergoing treatment; or by any other person or organization acting for and in the best interests of the alleged mental incompetent.

§ 726.3 *Determination of incompetency.* The Judge Advocate General after examining into the legitimacy, substance, and sufficiency of the application for appointment in the light of the then known circumstances, will notify the commanding officer of the naval hospital in which the alleged mental incompetent is being treated, or the commanding officer of the naval hospital to which the alleged incompetent may be most conveniently referred for examination, and upon receipt of such notification the appropriate commanding officer shall cause to be convened or appointed a board of not less than three qualified naval medical officers, one of whom shall be specially qualified in the treatment of mental disorders, to determine if the alleged incompetent is capable of managing his own affairs. The record of proceedings and the findings of the board shall, after action by the convening or appointing authority thereon, be forwarded to the Judge Advocate General.

§ 726.4 *Appointment of trustee.* Upon the receipt of a finding by the board convened or appointed in accordance with § 726.3 that the alleged incompetent is mentally incapable of managing his own affairs, the Judge Advocate General may appoint a suitable person or persons, not under legal disability to so act, as trustee or trustees to receive in behalf of the incompetent all amounts due the incompetent from such sources set forth in § 726.1 and to use said funds in the best interests of the incompetent.

§ 726.5 *Bonding of trustee.* The trustee or trustees appointed to receive moneys in behalf of incompetent personnel shall furnish a bond in all cases when the amounts to be received may be expected to exceed $1,000.00, and in such other cases when deemed appropriate by the Judge Advocate General. The bonds so required and furnished shall have as surety a company approved by the Federal Government, and shall be in such amount as required by the Judge Advocate General. Expenses in connection with the furnishing of such bonds may be paid out of sums due the incompetent.

§ 726.6 *Affidavit required.* The trustee or trustees appointed to receive moneys due incompetent personnel shall, prior to the payment of any such moneys, execute and file with the Judge Advocate General an affidavit or affidavits saying and deposing that any moneys henceforth received by virtue of such appointment shall be applied solely to the use and benefit of the incompetent, and that no fee, commission, or charge shall be demanded, or in any manner accepted, for any service or services rendered in connection with such appointment as trustee or trustees.

§ 726.7 *Reports required.* The trustee or trustees so appointed as above, shall submit reports annually, or at such other times as the Judge Advocate General may desire. The reports shall show: All funds received on behalf of the incompetent; all expenditures made in behalf of the incompetent, accompanied by receipts or vouchers covering each expenditure, except where the trustee is the spouse or an adult dependent of the incompetent receipts or vouchers need not be filed for expenditures made for living expenses; and a statement of the condition of the trust account at the time of submission of the report. If the trustee or trustees fail to report promptly at the end of any annual period, or at such other time the Judge Advocate General desires, the Judge Advocate General may, in his discretion, cause payments to such trustee or trustees to cease, and may, if deemed advisable, appoint another person or other persons, not under legal disability to so act, to receive future payments of moneys due the incompetent for the use and benefit of the incompetent.

§ 726.8 *Payment of moneys due.* Upon the appointment of a trustee or trustees to receive moneys due an incompetent, the Judge Advocate General shall, in the case of those incompetents on active duty, notify the commanding officer of the incompetent, and such commanding officer shall notify the disbursing officer having custody of the incompetent's pay record. The Judge Advocate General, in the case of retired per-

sonnel of the Navy and Naval Reserve and personnel of the Fleet Reserve, shall notify the Officer-in-Charge, Special Payments Division, Field Branch, Cleveland 14, Ohio. In case of retired personnel of the Marine Corps and Marine Corps Reserve and personnel of the Fleet Marine Corps Reserve, such notification shall be forwarded to Marine Corps Allotment Officer, Marine Corps Headquarters, Washington, D. C. After such notification, payments of moneys due the incompetent may be made by the appropriate officer in accordance with procedures prescribed by the Bureau of Supplies and Accounts or Marine Corps. All such payments so made, however, shall be made to the designated trustee or trustees.

§ 726.9 *Cessation of payments.* Payments of amounts due incompetent personnel shall cease to be paid to the trustee or trustees upon receipt of notification by the disbursing officer of the occurrence of any of the following:

(a) Death of the incompetent;

(b) Death or disability of the trustee or trustees appointed;

(c) Receipt of notice that a committee, guardian, or other legal representative, has been appointed for the incompetent by a court of competent jurisdiction;

(d) Failure of the trustee or trustees to render the reports required by § 726.7;

(e) That there is probable cause to believe that there is improper use of the moneys received on behalf of the incompetent;

(f) A finding by a board of naval medical officers that the heretofore incompetent is mentally capable of managing his own affairs;

(g) That the Judge Advocate General deems it to be in the best interest of the incompetent.

In the event of termination of payments under paragraphs (b), (d), (e) or (g) of this section, the Judge Advocate General may, if deemed appropriate, appoint a successor trustee or trustees. The successor trustee or trustees, so appointed, shall comply with the provisions of these regulations and instructions issued thereunder, and do all acts in the manner required of the original trustee or trustees.

§ 726.10 *Final accounting by trustee.* The trustee or trustees, when payments hereunder are terminated shall file a final accounting with the Judge Advocate General. When the final accounting has been approved the trustee or trustees will be discharged and the surety released. In the event of death or disability of the trustee the final accounting will be filed by his legal representative.

§ 726.11 *Implementing instructions.* The Judge Advocate General is hereby authorized to issue such instructions not in conflict with these regulations as may be necessary from time to time to give full force and effect thereto.

Dated: November 28, 1950.

DAN A. KIMBALL,
Acting Secretary of the Navy.

[F. R. Doc. 50-11044; Filed, Dec. 5, 1950; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.55, 203.190 (f), 203.245 (g), and 203.759 are hereby amended, as follows:

§ 203.55 *Merrimack River, Mass.*—(a) *Bridges below Massachusetts Department of Public Works highway bridge between Groveland and Haverhill.* (1) During the following applicable periods, the draw of each bridge shall, upon receipt of the signal prescribed in subparagraph (5) of this paragraph or upon verbal request at the bridge, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed draw:

(i) *Massachusetts Department of Public Works highway and Boston and Main Railroad bridge between Newburyport and Salisbury.* Between 6:00 a. m., and 10:00 p. m., from May to October, inclusive, and between 8:00 a. m., and 5:00 p. m., from November to April, inclusive.

(ii) *Essex County highway bridges between Deer Island and Salisbury and at Rocks village, respectively.* Between 6:00 a. m. and 10:00 p. m. from May to October, inclusive.

(2) At all other times, the draws shall be opened within a reasonable time after notice to the draw tenders in person, by letter, or by telephone. For this purpose the owners of or agencies controlling the bridges shall provide arrangements whereby the draw tenders can be reached readily by telephone or otherwise at any hour of the day or night. They shall also keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of this section, together with a notice stating exactly how the draw tender may be reached at all times by telephone or otherwise.

(3) The draw shall not be opened if there is a train, car, or other vehicle passing over the draw, or if a train or car is approaching so closely that it cannot be stopped safely before reaching the draw, but the draw shall be opened as soon as it can be cleared, and no person, vehicle, car, or train shall be permitted to begin to cross the draw after it has been signaled to open except as herein provided.

(4) When any draw shall have been open for 10 minutes, it may be closed for the crossing of trains, cars, vehicles, or individuals if there be any waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall be again opened promptly for the passage of any vessel or other watercraft desiring to pass. The length of time that a draw shall have been open shall be computed from the time it is fully opened, and the length of time that a draw has been closed shall be computed for the time it ceases to move in closing.

(5) When a vessel or other watercraft intends to pass through the draw of any bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding with a whistle or horn two long blasts followed immediately by two short blasts. If the draw is to be opened immediately, the draw tender shall reply by three long blasts of a whistle or horn. If, under this section, a delay in opening the draw is permitted and it is not to be opened immediately, the draw tender shall reply by two long blasts. A long blast shall be a blast of three seconds' duration, and a short blast shall be a blast of one second's duration.

(6) Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(7) The owners of or agencies controlling the bridges shall maintain in good and efficient order the draws and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. They shall provide such draw tenders as may be necessary to open and close the draws promptly. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draw to open.

(8) This paragraph shall not apply to vessels owned or leased by the United States, nor to vessels employed for police and fire protection by any town or municipality touching on the Merrimack River. All such United States and municipal vessels shall be passed without delay through the draws of all bridges during the periods specified in subparagraph (1) of this paragraph upon signaling by four long blasts, and at all other times as soon as possible after notice to the draw tender in person or by telephone.

(b) *Massachusetts Department of Public Works highway bridge between Groveland and Haverhill.* (1) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(2) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least two hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge: *Provided*, That all vessels owned or leased by the United States, and all vessels employed for police and fire protection by any town or municipality touching on the Merrimack River, shall be passed through the bridge as soon as possible after notice to the authorized representative in person or by telephone.

(3) Upon receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for

the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the authorized representative may be reached.

(5) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * *

(9) Tonawanda Inner Harbor (Little River); The New York Central Railroad Company bridge between Island Street, North Tonawanda, and Tonawanda Island. From December 16 to March 31, inclusive, at least 24 hours' advance notice required. From April 1 to December 15, inclusive, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(14) Pee Dee River, S. C.; Seaboard Air Line Railway Company bridge near Poston. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * *

§ 203.759 *Columbia River; Oregon-Washington Bridge Company highway bridge between Hood River, Oreg., and White Salmon, Wash.* (a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required, and the vertical clearance required for the vessel, shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw upon signal at the time specified in the notice for the passage of the vessel.

(d) The call signal for opening of the draw shall be one long blast followed by two short blasts and one long blast. When the draw has been opened sufficiently to pass the vessel, the draw tender shall reply by waving conspicuously a green flag by day or a green light by night. When the draw cannot be opened immediately, or when it is open and due to an emergency must be closed immediately, the draw tender shall reply by waving conspicuously a red flag by day or a red light by night.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the authorized representative may be reached.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

CROSS REFERENCE: Dalles-Celilo Canal, Columbia River, see § 207.710.

[Regs. Nov. 15, 1950, 823.01-ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-11068; Filed, Dec. 5, 1950; 8:49 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

APPOINTMENT OF SPECIAL CONSULTANTS

Section 22.3 is amended to read as follows:

§ 22.3 *Appointment of special consultants.* (a) When the Public Health Service requires the services of consultants who cannot be obtained when needed through regular Civil Service appointment or under the compensation provisions of the Classification Act of 1949, special consultants to assist and advise in the operations of the Service may be appointed, subject to the provisions of the following paragraphs and in accordance with such instructions as may be issued from time to time by the Administrator.

(b) Appointments pursuant to the provisions of this section may be made by the Surgeon General, the Deputy Surgeon General, Executive Officer or Chief Personnel Officer of the Public Health Service. Appointments may also be made by the Director or the Executive Officer of the National Institutes of Health when services are required for the National Institutes of Health, and by the Officer In Charge or Executive Officer of the Communicable Disease Center, when the services are required for the Communicable Disease Center.

(c) The per diem or other rates of compensation shall be fixed by the appointing officer in accordance with criteria established by the Surgeon General.

(d) No consultant appointed pursuant to the provisions of this section shall be employed for more than 130 working days in any fiscal year unless the Administrator, because of special circumstances, shall approve an extension thereof.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 207, 58 Stat. 685, as amended; 42 U. S. C. 209)

Dated: November 16, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 30, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-11069; Filed, Dec. 5, 1950; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

HEATING CARS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 29th day of November A. D. 1950.

The matter of modifying the "Uniform System of Accounts for Steam Railroads, Issue of 1943," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended, and the following modification being deemed necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)); *It is ordered*, That:

1. Any interested party may on or before December 26, 1950, file with the Commission a written statement of reasons why the said modification should not become effective as hereinafter ordered and may request oral argument if desired.

2. Unless otherwise ordered after consideration of objections § 10.402 Train Supplies and Expenses shall be modified effective January 1, 1951, by adding the following sentence to paragraph (b) *Heating cars:* "Credits shall be made to this account for charges for heater service collected from other companies and individuals."

3. A copy of this order shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11063; Filed, Dec. 5, 1950; 8:48 a. m.]

[Rev. S. O. No. 562 Amdt. 2]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of November, A. D. 1950.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), as amended (15 F. R. 3105), and good cause appearing therefor:

It is ordered, That Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraph (a) of § 97.562, *Rerouting of traffic; appointment of agent*, for paragraph (a) thereof:

(a) Homer C. King, Room 4146, Interstate Commerce Commission Building, Washington 25, D. C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

It is further ordered, That this amendment shall become effective at 11:59 p. m., November 27, 1950; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 50–11064; Filed, Dec. 5, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9836]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
1. Hopkinsville, Ky	230	
Madisonville, Ky		230
2. Fostoria, Ohio		225
3. Warren, Pa		222

3. The purpose of the proposed amendment is to provide Class B channels in the areas set forth in paragraph 2 above thereby facilitating consideration of pending applications requesting Class B assignments in these areas.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposal herein referred to should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 26, 1950, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Released: November 24, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 50–11049; Filed, Dec. 5, 1950; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 1]

DRUGS AND DEVICES; DIRECTIONS FOR USE

NOTICE OF PROPOSED RULE MAKING

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 502 (f) and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1051, 1055; 21 U. S. C. 352 (f) and 371 (a)), it is proposed that § 1.106 be revoked and a new § 1.106 be added to read as follows:

§ 1.106 *Drugs and devices; directions for use*—(a) *Adequate directions for use.* This phrase means directions under which the ordinary individual can use a drug or device intelligently, safely, and effectively. Directions for use may be inadequate because (among other reasons) of omission, in whole or in part, or incorrect specification of:

(1) Statements of all conditions, purposes or uses for which such drug or device is intended, including conditions or purposes for which it is prescribed, recommended, or suggested in its advertising sponsored by its manufacturer, packer, distributor, or seller or conditions or purposes for which the drug or device is commonly used;

(2) Quantity of dose (including quantities for persons of different ages and different physical conditions);

(3) Frequency of administration or application;

(4) Duration of administration or application;

(5) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factor);

(6) Route or method of administration or application; or

(7) Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) *Exemption for prescription drugs and devices.* A drug or device which, because of toxicity or other potentiality for harmful effect or the method of its use or the collateral measures necessary to its use, is not generally recognized among qualified experts as safe and efficacious for use otherwise than by or under the supervision of a physician, dentist, or veterinarian shall be exempt from section 502 (f) (1) if all of the following conditions are met:

(1) The drug or device is to be dispensed by physicians, dentists, or veterinarians in their professional practice, or upon written prescriptions issued in their professional practice with labeling bearing the directions specified in such prescriptions;

(2) Information as to the safe and effective use of the drug or device by physicians, dentists, or veterinarians is available to them in widely disseminated scientific literature or in brochures supplied to them;

(3) The label of the drug or device (other than surgical instruments and other devices used exclusively in the professional practice of physicians, dentists, or veterinarians) bears the statement:

"Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled with one or more of the words "Physician", "dentists", or "veterinarian".

(4) The labeling of the drug or device contains no representation as to the condition or purpose for which, or

how, it is to be used, except that this shall not proscribe representations:

(i) In brochures separately supplied to a physician, dentist, or veterinarian, or to pharmacists for use in their professional dealings with physicians, dentists or veterinarians.

(ii) Required by an official compendium; and

(5) If it is fabricated from two or more ingredients, and is not designated solely by a name recognized in an official compendium, its label bears a statement of the quantity or proportion of each active ingredient.

(c) *Retail exemption for harmless drugs prescribed by physicians, dentists, and veterinarians.* A drug for which adequate directions for lay use can be written, customarily known by pharmacists as an over-the-counter item, which is prescribed by a physician, dentist, or veterinarian, shall be exempt at the time of dispensing from section 502 (f) (1) if its labeling bears the directions specified in the prescription; and this exemption shall apply to refills unless (1) a refill is made in disobedience of the physician, dentist, or veterinarian's written instructions, or (2) a refill is made under such circumstances that the dispenser reasonably should know that the refilling may be harmful to the purchaser.

(d) *Exemption for drugs shipped to physicians, dentists, veterinarians, or to clinics for professional use.* A drug or device shipped or delivered to a physician, dentist, veterinarian, hospital, clinic, or a public health agency to be used or dispensed under the supervision of physicians, dentists, or veterinarians in their professional practice shall be exempt from section 502 (f) (1) if it meets the conditions of paragraph (b) (2) and (5) of this section.

(e) *Conditional exemption for new drugs.* No exemption shall apply to any drug the labeling of which fails to bear representations as to its intended uses which would, if borne in the labeling, make it a new drug, except that a new drug may be exempted under paragraph (b) of this section, if the labeling contained in the application made effective under section 505 claimed such exemption.

(f) *No exemption for drugs intended for injection or for drugs or devices dispensed pursuant to mail order diagnosis.* No exemption under this regulation shall apply to (1) a drug intended for administration by iontophoresis or by injection into or through the skin or mucus membrane; or (2) a drug or device shipped or delivered in the conduct of a business of dispensing pursuant to diagnosis by mail.

(g) *Exemption for drugs or devices when directions are commonly known.* A drug or device shall be exempt from section 502 (f) (1) insofar as adequate directions for common uses thereof are known to the ordinary individual.

(h) *Exemption for prescription components.* A drug shall be exempt from section 502 (f) (1) if it is not a liquid, solution, emulsion, or suspension and not a tablet, capsule, or other dosage unit, upon the following conditions:

(1) The drug is ordinarily compounded with other substances before use and is intended for use in compounding prescriptions;

(2) The label of the drug bears the statement required by paragraph (b) (3) of this section.

(i) *Exemption for inactive ingredients.* A drug ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent in the preparation of other drugs, shall be exempt from section 502 (f) (1).

(j) *Exemption for diagnostic reagents.* A drug intended solely for use in the professional diagnosis of disease shall be exempt from section 502 (f) (1).

(k) *Exemption for manufacture.* A drug or device intended for use in the manufacture of another drug or device and labeled "For manufacturing use only" shall be exempt from section 502 (f) (1): *Provided, however,* That this shall apply to new substances which are intended to be used as the active principles of new drugs only if the shipments for manufacturing use are covered by an effective new drug application.

(l) *Expiration of exemptions.* If a shipment or other delivery, or any part thereof, of a drug or device which is exempt under this regulation is disposed of for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of the act of disposal. The causing of an exemption to expire shall be considered an act which results in such drug or device being misbranded unless, prior to such disposal, it is relabeled to comply with the requirement of section 502 (f) (1) of the act, or it is disposed of for use otherwise than as a drug or device.

(m) *Definitions.* For the purposes of this section:

(1) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a physician, dentist, or veterinarian in his professional practice.

(2) The terms "physician", "dentist", and "veterinarian", as used in relation to the exemption of any drug or device, include only those physicians, dentists, and veterinarians who are licensed by law to administer or apply such drug or device.

(3) The term "written prescriptions", as used in paragraph (b) of this section, means a written order signed by a physician, dentist, or veterinarian directing the dispensing of a specific quantity of a drug or device for the person named in the order; and the phrase "dispensed upon written prescriptions" does not include refilling the prescription or otherwise dispensing any quantity of the drug or device in addition to that specified in the order, unless the refilling, or other dispensing of the additional quantity, is authorized in writing by the prescriber.

Interested persons are invited to submit written comments with respect to this proposed order to the Hearing Clerk, Federal Security Agency, Room 5109, F. S. Bldg., Washington 25, D. C., within 30 days from the date of publication in the FEDERAL REGISTER.

Dated: December 1, 1950.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 50-11159; Filed, Dec. 5, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.6]

TARIFF CLASSIFICATION

NOTICE OF PROSPECTIVE CLASSIFICATION OF NUCLEAR RESEARCH TYPE ILFORD PHOTOGRAPHIC PLATES AS SCIENTIFIC ARTICLES IN CHIEF VALUE OF GLASS

DECEMBER 1, 1950.

It appears probable that a correct interpretation of paragraph 218 (a), Tariff Act of 1930, requires that nuclear research type Ilford photographic plates be classified thereunder at a rate of duty higher than that heretofore assessed on such articles under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, as amended, notice is hereby given that the existing uniform practice of classifying such articles under paragraph 1551, Tariff Act of 1930, as modified, as photographic dry plates is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of nuclear research type Ilford photographic plates which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 50-11071; Filed, Dec. 5, 1950; 8:49 a. m.]

[495.21]

TARIFF CLASSIFICATION

NOTICE OF PROSPECTIVE CLASSIFICATION OF CERTAIN COMBINATION POCKET AND TABLE CIGARETTE LIGHTERS AS ARTICLES DESIGNED TO BE CARRIED ON OR ABOUT THE PERSON

NOVEMBER 30, 1950.

It appears probable that a correct interpretation of subdivision (c) of

paragraph 1527, Tariff Act of 1930, as modified, requires that certain combination lighters with removable bases be classified thereunder at a rate of duty higher than that heretofore assessed on such articles under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, as amended, notice is hereby given that the existing uniform practice of classifying such articles under paragraph 1552, Tariff Act of 1930, as modified, as "smokers' articles, not specially provided for" is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of combination pocket and table cigarette lighters which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 50-11072; Filed, Dec. 5, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.166; as amended September 25, 1950 (15 F. R. 5701; 6326)).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 11-28-50 to 5-27-51; 12 learners for expansion purposes (shirts).

Camden Garment Co., Corp., 417 Walnut Street, Camden, N. J., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (ladies' dresses, blouses and sportswear).

Colonial Shirt Corp., Woodbury, Tenn., effective 11-27-50 to 5-26-51; 20 learners for expansion purposes (men's shirts).

Colonial Shirt Corp., Woodbury, Tenn., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (men's shirts).

The C. B. Cones Manufacturing Co., Lynchburg, Va., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (overalls, dungarees and denim jackets).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 11-28-50 to 11-27-51; 10 percent normal labor turnover (overalls and denim jackets).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky, effective 11-28-50 to 5-27-51; 23 learners for expansion purposes (overalls and denim jackets).

Dolores Dress Co., Inc., 18 North Main Street, Hornell, N. Y., effective 11-23-50 to 5-22-51; 20 learners for expansion purposes (ladies' and misses' daytime dresses).

Dolores Dress Co., Inc., 18 North Main Street, Hornell, N. Y., effective 11-23-50 to 11-22-51; 10 percent normal labor turnover (ladies' and misses' daytime dresses).

Donchester Manufacturing Co., Northeast corner Twenty-third and Arch Streets, Philadelphia 3, Pa., effective 12-1-50 to 11-30-51; 10 percent normal labor turnover (men's sportswear).

Eastern Sportswear Manufacturing Co., Inc., Campus Cap Corp., 94 Sawyer Street, New Bedford, Mass., effective 11-23-50 to 11-22-51; 10 percent normal turnover (dungarees, sportswear and caps).

Hollywood Sportogs, 1711 First Street, San Fernando, Calif., effective 11-24-50 to 5-23-51; eight learners for expansion purposes (sport shirts).

Hollywood Sportogs, 1711 First Street, San Fernando, Calif., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (sports shirts).

Jewel Frocks, Mantur, N. J., effective 11-23-50 to 11-22-51; 10 percent normal labor turnover (children's dresses).

Jewel Frocks, Mantur, N. J., effective 11-23-50 to 5-22-51; 20 learners for expansion purposes (children's dresses).

The Kaynee Co., Pawhuska, Okla., effective 11-23-50 to 11-22-51; 10 percent normal labor turnover (cotton and rayon shirts, pajamas and trousers).

Lanier Manufacturing Co., Easley, S. C., effective 11-23-50 to 11-22-51; 10 percent normal labor turnover (sport shirts).

Lanier Manufacturing Co., Easley, S. C., effective 11-23-50 to 5-22-51; 25 learners for expansion purposes, sport shirts).

Laros Textiles Co., Kingston Division, 313 Market Street, Kingston, Pa., effective 11-22-50 to 11-21-50; 10 percent normal labor turnover (women's woven lingerie).

Lee-Ray Sportswear Co., Dover, Pa., effective 11-22-50 to 11-21-51; 10 percent normal labor turnover (men's and boys' sport jackets).

R. Lowenbaum Manufacturing Co., 24 North Spanish St., Cape Girardeau, Mo., effective 11-27-50 to 11-26-51; 10 learners or 10 percent normal labor turnover (junior dresses).

McKenzie Pajama Corp., McKenzie, Tenn., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (pajamas).

Manhattan Shirt Co., 27-31 Hoffman Street, Kingston, N. Y., effective 11-22-50 to 11-21-51; 10 percent normal labor turnover (pajamas).

Maxwell Manufacturing Co., Millville, Pa., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (ladies' sportswear).

Mayflower Manufacturing Co., 460-506 North Main Ave., Scranton 4, Pa., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (trousers).

Monticello Manufacturing Co., Monticello, Miss., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (work pants).

Mount Carmel Garment Co., 51 North Spruce Street, Mount Carmel, Pa., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (blouses).

N & W Industries, Inc., Kemper Street, Lynchburg, Va., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (denim work clothing).

Wm. H. Noggle & Sons, Inc., Grant and High Streets, Manheim, Pa., effective 11-23-50 to 11-22-51; 10 percent normal labor turnover (boys' shirts and blouses).

Normandy Dress Co., 700 South Madison Avenue, Bay City, Mich., effective 11-27-50 to 5-26-51; 15 learners for expansion purposes (ladies' cotton dresses).

Quality Trouser Manufacturing Co., Inc., 108½ North Sterling Street, Streator, Ill., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (men's dress trousers).

Palm Beach Corp., St. Paul, Va., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (lingerie).

Perfection Leather Sportswear Co., 53 Rahway Avenue, Elizabeth, N. J., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (men's and boys' jackets).

Revelation Bra Co., Inc., 760 Main Street, Cambridge 39, Mass., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (brassieres).

Richard Manufacturing Co., 149 Staniford Street, Boston, Mass., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (sportswear).

Robin Hood Sportswear of California, 17 West Citrus, Redlands, Calif., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (boys' and children's sportswear).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (men's and boys' pants).

Slack Corp. of America, Wrightsville, Ga., effective 11-28-50 to 5-27-51; 30 learners for expansion purposes (men's slacks).

Smith Bros. Manufacturing Co., 204 North Fourth Street, St. Joseph, Mo., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (overalls, dungarees, pants, and jackets).

Smith Bros. Manufacturing Co., Lamar, Mo., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (dungarees).

Steelton Apparel Co., Inc., 709 South Second Street, Steelton, Pa., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (dresses).

A. Stein & Co., 1143 West Congress Street, Chicago 7, Ill., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (brassieres and girdles).

Style-Wise Shirt Co., Inc., Pine and Maple Streets, Hazleton, Pa., effective 11-21-50 to 11-20-51; 10 percent normal labor turnover (shirts).

Style-Wise Shirt Co., Inc., Pine and Maple Streets, Hazleton, Pa., effective 11-21-50 to 5-20-51; 161 learners for expansion purposes (shirts).

Swissknit Products Co., Lumberton, N. C., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (cotton knit apparel).

Swissknit Products Co., Lumberton, N. C., effective 11-24-50 to 5-23-51; 27 learners for expansion purposes (cotton knit apparel).

Union Mfg. Co., 801 Texas Street, El Paso, Tex., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (men's and boys' cotton trousers; men's work shirts).

Florence Walsh Fashions, Hyde Park, N. Y., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (women's skirts and tennis dresses).

Winner House, Berne, Ind., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover (jackets, jumpers, and juvenile suits).

Wright Garment Co., Bowman, Ga., effective 11-27-50 to 11-26-51; 10 percent normal labor turnover (work and semi-dress trousers).

Hosiery Learners Regulations (29 CFR, 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Bear Brand Hosiery Co., Rensselaer, Ind., effective 11-24-50 to 7-23-51; 11 learners for expansion purposes.

Bear Brand Hosiery Co., Gary, Ind., effective 11-24-50 to 7-23-51; 30 learners for expansion purposes.

Bear Brand Hosiery Co., Charleston, Ind., effective 11-24-50 to 7-23-51; 15 learners for expansion purposes.

Bear Brand Hosiery Co., Kankakee, Ill., effective 11-24-50 to 7-23-51; 50 learners for expansion purposes.

Cobble-Huse Hosiery Mills, Chattanooga, Tenn., effective 11-24-50 to 11-23-51; 5 percent normal labor turnover.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93; as amended January 25, 1950 (15 F. R. 398)).

Ontario Telephone Co., Inc., Phelps, N. Y., effective 11-24-50 to 11-23-51.

Southland Telephone Co., Atmore, Ala., effective 11-24-50 to 11-23-51.

Western Illinois Telephone Co., Aledo, Ill., effective 11-24-50 to 11-23-51.

Cigar Learner Regulations (29 CFR 522.201 to 522.211; as amended January 25, 1950 (15 F. R. 400)).

El Moro Cigar Co., South Greene Street and Edwards Place, Greensboro, N. C., effective 11-24-50 to 11-23-51; 10 percent normal labor turnover, cigar machine operating, 320 hours, 60 cents per hour.

Knitted Wear Learner Regulations (29 CFR 522.68 to 522.79; as amended January 25, 1950 (15 F. R. 398)).

Hansley Mills, Inc., Paris, Ky., effective 11-21-50 to 5-20-51; 25 learners.

Marlo-Clarion Undies, Inc., Waterbury, Conn., effective 11-24-50 to 5-23-51; 15 learners for expansion purposes.

Wilson Bros., Sheboygan, Wis., effective 11-24-50 to 11-23-51; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Granite State Rubber Co., Berlin, N. H., effective 11-27-50 to 5-26-51; five learners; stitching machine operators only, 480 hours, 65 cents for the first 240 hours and 70 cents for the remaining 240 hours (canvas footwear).

Hastings & Co., Philadelphia, Pa., effective 11-27-50 to 5-26-51; 10 percent normal labor turnover; cutting and booking gold leaf, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (gold leaf manufacturing).

Hollywood Neckwear Co., 417 East Pico Boulevard, Los Angeles 15, Calif., effective 11-27-50 to 11-26-51; machine operators (except cutting) 320 hours, pressers, 320 hours, hand sewers, 320 hours, 60 cents (men's neckwear).

The House of Guest, Inc., 301 East Foulke Avenue, Findlay, Ohio, effective 11-21-50 to 5-22-51; five learners; olive place packers, 240 hours, 60 cents (importing and packing olives).

Wm. B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J., effective 11-21-50 to 11-20-51; 7 percent normal labor turnover; machine operators (except cutting), pressers, hand sewers, 480 hours, 240 hours at 60 cents and 240 hours at 65 cents (men's suits).

Kewanee Headwear Co., 110 West Third Street, Kewanee, Ill., effective 11-24-50 to 11-23-51; five learners; machine operators only, 240 hours, 65 cents (cloth hats and caps).

LeBelle Industries, Inc., Oconomowoc, Wis., effective 11-24-50 to 5-23-51; four learners; machine operators, assemblers, 240 hours, 60 cents (metal fabricating).

Lakeland Tanning Co., Inc., Lakeland, Fla., effective 11-24-50 to 5-23-51; 10 percent normal labor turnover; toggling, staking, shaving, buffing, seasoning, trimming, embossing, graining, spraying, and sorting 320 hours, 60 cents (shoe leather).

Loring Studios, 320 Ann Street, Hartford, Conn., effective 11-20-50 to 5-19-51; 10 percent normal labor turnover; photographic colorists, 320 hours, 60 cents (developing, printing & finishing of portrait photographs).

Sweetwater Rug Corp., Ringgold, Ga., effective 11-24-50 to 5-23-51; five learners; chenille machine operators, 320 hours, 55 cents for the first 160 hours and 65 cents for the remaining 160 hours (cotton tufted bedspreads and rugs).

Tangi Candies, Inc., Hammond, La., effective 11-27-50 to 5-26-51; seven learners; chocolate dippers, candy makers, 240 hours, 60 cents (confectionery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of November 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 50-11033; Filed, Dec. 5, 1950; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2585, Amdt. 1]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO EKLUTNA PROJECT

Paragraph (e) of section 2 of Order No. 2585 (15 F. R. 6094) is amended to read as follows:

(e) Contracts for the sale of electric power and energy, and modifications thereof or supplements thereto, may be consummated without Secretarial approval only if they are with parties other than Federal agencies or privately owned public utilities. The provisions of contracts for the sale of firm power and energy should in substance be consistent with those provisions which the Secretary has approved as standard articles for this type of contract, although minor variations in form are permissible. The provisions of contracts for the sale of secondary and dump energy shall be consistent with principles and procedures approved by the Secretary. In all cases, the rates shall be those approved by the Secretary.

(Sec. 5, Pub. Law 628, 81st Cong.; sec. 2, Reorg. Plan No. 3, 15 F. R. 3174; 5 U. S. C., sec. 22)

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

NOVEMBER 29, 1950.

[F. R. Doc. 50-11043; Filed, Dec. 5, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-224]

ACCIDENT OCCURRING AT JACKSONVILLE, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N-104A, which occurred at Municipal Airport, Jacksonville, Florida, on October 10, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, December 7, 1950, at 9:00 a. m., local time, in the Commission Room, Second Floor, Coral Gables City Hall, LeJeune Road, Coral Gables, Florida.

Dated at Washington, D. C., November 30, 1950.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 50-11122; Filed, Dec. 5, 1950; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9319]

RADIO STATION WISE, INC. (WISE)

ORDER CONTINUING HEARING

In re application of Radio Station WISE, Inc. (WISE), Asheville, North Carolina for construction permit; Docket No. 9319, File No. BP-7132.

The Commission having under consideration a motion filed November 16, 1950, by the applicant herein requesting that the hearing now scheduled to begin on December 18, 1950, be continued for a period of 90 days; and

It appearing that the reason for the requested continuance is to permit the applicant to determine whether to prosecute the application herein or to apply for other facilities; there being no objection to the requested continuance; and good cause having been shown that it should be granted;

It is ordered, This the 24th day of November 1950, that the motion for continuance be and it is hereby granted and the hearing in the above-entitled proceeding is continued from December 18, 1950, to March 19, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11078; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9390]

IDAHO RADIO CORP. (KID)

ORDER ENLARGING ISSUES

In re application of Idaho Radio Corporation (KID), Idaho Falls, Idaho, for modification of construction permit; Docket No. 9390, File No. BMP-3308.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of November 1950;

The Commission having under consideration a petition filed by Idaho Radio Corporation, licensee of Station KID, Idaho Falls, Idaho, requesting leave to amend its above-entitled application for modification of construction permit and requesting enlargement of the issues provided for in the remand order dated August 9, 1950 issued in the above-entitled proceeding; and

It appearing, that said application was heard on engineering issues and a proposed decision to grant was issued thereon on February 6, 1950, but that the Commission on August 9, 1950 vacated the proposed decision and remanded the application to the same examiner for further proceedings; and

It further appearing, that good cause has been shown for the granting of leave to amend the application and that no objection has been made by other parties in this proceeding but that the issues in the Commission's order of August 9, 1950, must be enlarged to permit a full showing by the applicant as to its proposal;

It is ordered, That the petition of Idaho Radio Corporation is hereby granted, that the proposed amendment to the above-entitled application is hereby accepted, and that the Commission's order of August 9, 1950, is hereby amended to include the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service during nighttime hours from the operation of Station KID as proposed in its amendment filed October 4, 1950, and the character of other broadcast service available to those areas and populations.

(2) To determine whether the operation of Station KID as proposed in its amendment filed October 4, 1950, would involve objectionable interference during nighttime hours with Stations WOW, Omaha, Nebraska, KFXM, San Bernardino, California, KSUB, Cedar City, Utah, and KHQ, Spokane, Washington, or with any other existing broadcast stations during nighttime hours, and, if there is objectionable interference, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

(3) To determine whether the installation and operation of Station KID as proposed in its amendment filed October 4, 1950, would comply with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the ratio of the population within the area between the normally protected and the interference free contours to the population which would receive satisfactory service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11045; Filed, Dec. 5, 1950; 8:46 a. m.]

[Docket Nos. 9594, 9595]

PACIFIC COAST BROADCASTING CO. (KXLA)

ORDER CONTINUING HEARING

In re application of Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9594, File Nos. BML-1328 & BP-7717; for construction permit and modification of license. In re order to show cause directed to Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9595, File No. BS-1189.

The Commission having under consideration a petition filed on November 16, 1950, by Pacific Coast Broadcasting Company (KXLA), requesting that the hearing in the above-entitled proceeding be continued from December 11, 1950, to March 12, 1951; an opposition thereto filed on November 20, 1950, by KFAB Broadcasting Company, party respondent herein; and the oral argument on said petition and opposition held before the undersigned Examiner on November 24, 1950; and

It appearing, that this proceeding involves (1) an application for modification of license of Station KXLA, so as to delete therefrom a condition imposed by the Commission, requiring protection of the service area of Class I-B Station KFAB, and (2) a proceeding instituted by the Commission requiring the licensee of Station KXLA to show cause why its license should not be modified so as to reduce that station's power in order that protection might be afforded to Station KFAB; and

It appearing, that this consolidated proceeding was originally scheduled to be heard on June 1, 1950, and has been postponed three times, first to August 1, 1950, then to September 11, 1950, and finally to December 11, 1950; that when the proceeding came on for hearing on September 11, 1950, Station KXLA requested a postponement of 90 days because it had learned that the Southern California Edison Company had undertaken the construction of a power line within 800 feet of the southwest tower of KXLA's antenna system, and that the applicant required additional time to determine the extent to which the presence of this power line might alter the adjustment of the KXLA antenna array; and that on the basis of the above request, the hearing herein was postponed to December 11, 1950; and

It further appearing, that the petition herein for a continuance alleges that construction of the power line has been completed, except that the Southern California Edison Company has not yet fulfilled its promise to insulate six of the towers of said power line and to supply them with tuning units in order to most effectively isolate the towers; that said insulation and tuning units are expected to be installed in the early part of December, 1950; and that until this work on the towers has been completed, Station KXLA is unable to determine the extent to which the presence of these towers might alter the adjustment of the KXLA array; and that the hearing herein should be postponed until March 12, 1951, in order to allow time for the completion of the work on said power line, the making of adequate measurements as to the effect which said power line would have on the array, and to prepare said material for submission in the hearing herein; and

It further appearing, that the opposition to said petition for a continuance, after reciting the numerous delays which have already occurred in this proceeding, points out that in the Commission's Order to Show Cause why the power of Station KXLA should not be reduced, the Commission found that the operation of Station KXLA was causing interference to Class I-B Station KFAB, that said interference to Station KFAB has not been eliminated as required by the terms of the construction permit for Station KXLA, and that, therefore, any further continuance of the hearing would prolong the interference to Station KFAB to its detriment; and

It further appearing, that in view of the number of continuances which have already been granted herein since June 1, 1950, and further, in view of the urgency for an early determination of the issues flowing from the Commission's Order to Show Cause, it would not appear to be in the public interest to allow a postponement of the hearing herein for an additional three-month period, to March 12, 1951, as requested; and

It further appearing, that counsel for KFAB Broadcasting Company has consented to a continuance of the hearing herein to January 15, 1951, and further has indicated that he will not oppose a further continuance of the hearing to February 15, 1951, provided that a petition is filed requesting such a further continuance, which petition affirmatively indicates that work on the towers of the power line has been completed and that engineering studies as to the effect of said power line upon the KXLA antenna array has already been undertaken; and

It further appearing, that it would be reasonable and in the public interest to permit a continuance of this hearing of approximately 30 days in order for the applicant to ascertain whether work on the towers and the power line will be completed and whether upon completion of said work, there will be any effect upon the antenna array of Station KXLA;

It is ordered, This 27th day of November 1950, that the petition of Pacific Coast Broadcasting Company (KXLA) requesting a continuance of the hearing herein from December 11, 1950 to March 12, 1951, is hereby granted in part, and the hearing herein, is hereby continued, to January 15, 1951. Prior to January 15, 1951, Pacific Coast Broadcasting Company may file another

petition herein requesting a further continuance of the hearing to February 15, 1951, provided that said petition contains an affirmative showing that the work on the power line of the Southern California Edison Company has been completed and that the applicant has undertaken engineering studies to determine the effect, if any, of said power line upon the KXLA antenna array.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11080; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9656]

CARL H. MEYER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Carl H. Meyer, Ottawa, Illinois, for construction permit; Docket No. 9656, File No. BP-7504.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of November 1950;

The Commission having under consideration the above-entitled application of Carl H. Meyer requesting a construction permit for a new standard broadcast station to operate on frequency 1430 kilocycles, with 500 watts power, daytime only at Ottawa, Illinois;

It appearing, that the applicant is legally, technically and financially qualified to construct and operate the proposed station, but that the proposed operation may involve objectionable interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on January 23, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WOC, Davenport, Iowa; WROK, Rockford, Illinois; WIL, St. Louis, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice concerning Standard Broadcast Stations.

It is further ordered, That Tri-City Broadcasting Company; Rockford Broadcasters, Incorporated; and Missouri Broadcasting Corporation, licensees of Stations WOC, Davenport, Iowa; WROK, Rockford, Illinois; and WIL, St. Louis, Missouri, respectively, are made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11048; Filed, Dec. 5, 1950; 8:46 a. m.]

[Docket Nos. 9761-9769, 9771-9773]

TELEPHONE MESSAGE SERVICE OF YONKERS ET AL.

ORDER CONTINUING HEARING

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Telephone Message Service of Yonkers, Yonkers, New York, Docket No. 9761, Files Nos. 1316 and 1372-C2-ML-E; Harold W. Graf, Hempstead, New York, Docket No. 9762, Files Nos. 2040/2041-C2-ML-E; Harold W. Graf, Bay Shore, New York, Docket No. 9763, Files Nos. 1223/1224-C2-P-E; Telephone Secretarial Service Inc., Newark, New Jersey, Docket No. 9764, Files Nos. 4855/4856-C2-ML-E; Peter T. Kroeger, d/b as Mobile Radio Dispatch Service, New Brunswick, New Jersey, Docket No. 9765, Files Nos. 3639/3640-C2-ML-E; J. J. Freke-Hayes, New York, New York, Docket No. 9766, Files Nos. 3041/3042-C2-ML-E; Solomon Schiller, Brooklyn, New York, Docket No. 9767, Files Nos. 2892/2893-C2-ML-E; Westchester Mobilfone System, Inc., Mt. Pleasant, New York, Docket No. 9768, Files Nos. 3534/3535-C2-ML-E; Huntington Radio Dispatch Service, tr/as Knights Packard Service, Huntington, New York, Docket No. 9769, File No. 18666-C2-P-E; James P. Rogers, d/b as Suburban Radiotelephone, West Orange, New Jersey, Docket No. 9771, File No. 5170-C2-P-E; Mildred Tarone, d/b as Doctors' Telephone Exchange and Huntington Telephone Answering Service, Huntington, New York, Docket No. 9772, Files Nos. 12015/12016-C2-P/L-E; Electro Craft, Inc., Stamford, Connecticut, Docket No. 9773, Files Nos. 4974/4975-C2-P-E.

The Commission having under consideration its order of November 13, 1950, designating the above-entitled matter for hearing at Washington, D. C., on December 4, 1950; and

It appearing, that a pre-hearing conference was held herein on November 22, 1950, during the course of which it appeared that it would be desirable to postpone said hearing from December 4, 1950, to January 4, 1951, so as to afford additional time for preparation for the hearing; and all of the parties to the proceeding having orally requested said continuance and having consented to the same;

It is ordered, This 27th day of November 1950, on the Commission's own motion, that the hearing in the above-entitled proceeding, is hereby continued, to January 4, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11074; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket Nos. 9785, 9786]

RADIO STATION WOW, INC. (WOW) AND STAR BROADCASTING CO., INC. (KCSJ)

ORDER CONTINUING HEARING

In re applications of Radio Station WOW, Inc. (WOW), Omaha, Nebraska, Docket No. 9785, File No. BR-686; The Star Broadcasting Company, Inc. (KCSJ), Pueblo, Colorado, Docket No. 9786, File No. BR-1610; for renewal of license.

The Commission having under consideration a petition filed November 17, 1950, by Radio Station WOW, Inc. (WOW), Omaha, Nebraska, requesting a 60-day continuance of the hearing presently scheduled for December 11, 1950, at Washington, D. C., in the proceeding upon the above-entitled applications for renewal of license; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 27th day of November 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Tuesday, February 13, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11075; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9787]

FRANCIS J. MATRANGOLA

ORDER CONTINUING HEARING

In re application of Francis J. Matrangola, Wildwood, New Jersey, for construction permit; Docket No. 9787, File No. BP-7659.

The Commission having under consideration a petition filed November 17, 1950, by Francis J. Matrangola, requesting indefinite continuance of the hearing in the above-entitled proceeding, presently scheduled for December 1, 1950, in Washington, D. C.; and

It appearing, that applicant was on this date permitted to amend his application so that interference to any other existing or proposed station is eliminated, and has filed a petition for recon-

sideration and grant of his application without hearing which is now pending before the Commission; and

It further appearing, that no opposition has been filed to the petition for continuance;

It is ordered, This 27th day of November 1950, that the petition be, and it is hereby, granted; and the hearing herein presently scheduled for December 1, 1950, be, and it is hereby, continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11076; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9790]

KWFT, Inc. (KEPO)

ORDER CONTINUING HEARING

In re application of KWFT, Inc. (KEPO), El Paso, Texas, for construction permit; Docket No. 9790, File No. BP-7397.

The Commission having under consideration a petition filed November 13, 1950, by KWFT, Inc. (KEPO), El Paso, Texas, requesting a continuance of the hearing presently scheduled for December 1, 1950, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 24th day of November 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11079; Filed Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9817]

PHILIP H. MORSE

ORDER CONTINUING HEARING

In the matter of Philip H. Morse, Plainfield, New Jersey, suspension of amateur radio operator license; Docket No. 9817.

The Commission having under consideration a petition filed November 24, 1950, by Chief of the Safety and Special Radio Services Bureau requesting a continuance of the hearing in the above-entitled application now scheduled to begin on November 30, 1950; and

It appearing that by letter dated November 3, 1950, said Philip H. Morse, among other matters, withdrew his request for hearing, and on November 16, 1950, the Chief of the Safety and Special Radio Services Bureau petitioned the Commission to cancel the order designating the above-entitled matter for hearing; and

It appearing that the petition for continuance should be acted on at once and good cause having been shown that it should be granted;

It is ordered, This the 27th day of November 1950, that the hearing in the above-entitled proceeding now scheduled to begin November 30, 1950, be and it is hereby continued to a date to be announced after Commission action on the petition to cancel the order designating said application for hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11077; Filed, Dec. 5, 1950; 8:51 a. m.]

[Docket No. 9837-9844, 9856]

WARD C. ROGERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Ward C. Rogers, Chicago, Illinois, Docket No. 9837, Files Nos. 3540/3541-C2-ML-E; H. T. Sagert, d/b as The Sagert Radin Company, Hammond, Indiana, Docket No. 9838, Files Nos. 5005/5006-C2-ML-E; Paul C. Benson, tr/as The Lake County Mobile Radio Dispatching Company, North Chicago, Illinois, Docket No. 9839, Files Nos. 2463/2464-C2-ML-E; Willett Radio Corporation, Chicago, Illinois, Docket No. 9840, Files Nos. 5189/5190-C2-P/L-E; South Shore Radio Telephone, Inc., Hammond, Indiana, Docket No. 9841, Files Nos. 7585/7586-C2-P-E; Edward G. Melka, tr/as North Shore Radio-Telephone Dispatch Service, Northfield, Illinois, Docket No. 9842, File No. 21305-C2-P-E; Roger E. Dooley, Des Plaines, Illinois, Docket No. 9843, File No. 8877-C2-P-E; Robert H. Butcher, Kenosha, Wisconsin, Docket No. 9844, Files Nos. 8598 and 8600-C2-MP-E and 8599 and 8601-C2-L-E; Louis S. Ritter, tr/as Racine Radio Dispatch Service, Racine, Wisconsin, Docket No. 9856, File No. 47-C2-P-51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of November 1950.

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the city of Chicago, Illinois and certain nearby communities;

It appearing, that the number of applicants for such facilities exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658 et al., dated April 27, 1949, and § 6.409 of the Commission's rules Governing Public Radiocommunication Services (Other than Maritime Mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and a grant of such applications might result in harmful mutual interference; and

It further appearing, that, based upon an examination of the applications and the lease agreement attached thereto filed by Louis S. Ritter, tr/as Racine Radio Dispatch Service, said applicant may not control the proposed base station, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended, and the proposed joint use of the base station transmitter of station KSA698 (licensed to the Yellow Cab Company of Racine for operation in the Taxicab Radio Service) for the taxicab operations of Yellow Cab Company of Racine and the proposed common carrier radiocommunication service of Racine Radio Dispatch Service may not serve the public interest, convenience or necessity;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Chicago, Illinois, commencing at 10:00 a. m. on January 29, 1951, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine whether, under the proposals set forth in its applications, Racine Radio Dispatch Service will have control over its base station facilities, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended.

6. To determine whether the joint use of the base station transmitter of said radio station KSA698 for the common carrier mobile radiocommunication service proposed to be afforded by Racine Radio Dispatch Service and the taxicab radiocommunication service provided by the Yellow Cab Company of Racine would be feasible and would serve the public interest, convenience or necessity.

7. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices, and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

8. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

9. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11046; Filed, Dec. 5, 1950; 8:46 a. m.]

[Docket Nos. 9849-9854]

RADIO MESSAGE SYSTEMS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Thomas E. Daniels, d/b as Radio Message Systems, Dallas, Texas, Docket No. 9849, Files Nos. 2937 and 2939-C2-P-E, 2938 and 2940-C2-ML-E; Dallas Electronics, Inc., Dallas, Texas, Docket No. 9850, File No. 53-C2-P-51; (Mrs.) Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 9851, Files Nos. 1284/1285-C2-P-E; (Mrs.) Pearl Forester, d/b as Telephone Answering Service, Ft. Worth, Texas, Docket No. 9852, File No. 50-C2-P-51; Jack Lallier, d/b as Radio Contact Company, Dallas, Texas, Docket No. 9853, File No. 21111-C2-P-E; O. B. English, d/b as English Radio Dispatch Company, Ft. Worth, Texas, Docket No. 9854, File No. 20415-C2-P-E.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of November 1950;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the cities of Dallas and Ft. Worth, Texas, respectively;

It appearing that the number of applicants for such facilities in this area exceeds the number of frequencies available for this area; and

It further appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules Governing Public Radiocommunications Services (Other than Maritime Mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that, based upon an examination of the files and records of, and pertaining to, the operations of Thomas E. Daniels, d/b as Radio Message Systems, and based upon an inspection of stations KKA408 and KA2519 by members of the Commission's Field Engineering staff, there may have been a transfer of control of stations KKA408 and KA2519 which has not been reported to, and approved by, the Commission, as required by the provisions of Section 310 (b) of the Communications Act of 1934, as amended, and § 1.322 of the Commission's rules and regulations; and said licensee may have, in various applications filed with the Commission, misrepresented the facts relating to the control of such stations; and said base station has been, or is being, operated at a location other than that specified in the presently effective radio station license; and

It further appearing, that, on September 23, 1949, December 28, 1949, January 31, 1950, March 8, 1950, and May 8, 1950, respectively, official communications were sent to said Thomas E. Daniels citing certain irregularities in the operation of said stations KKA408 and KA2519 and requesting replies or reports thereon, but that, to date, no reply thereto has been received from said Thomas E. Daniels;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at Dallas, Texas, commencing at 10:00 a. m. on March 6, 1951, upon the following issues:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed station and the need for such service in the area proposed to be served.

3. To determine whether and to what extent co-channel operations are feasible between the two communities involved in this proceeding.

4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine whether, since October 1, 1947, the date on which Thomas E. Daniels filed with the Commission his first applications for radio authorizations for stations KKA408 and KA2519, there has been any transfer of control of radio station KKA408 and KA2519 which has not been reported to, or approved by the Commission, as required by the provisions of section 310 (b) of the Communications Act of 1934, as amended, and § 1.322 of the Commission's rules and regulations.

6. To determine whether Thomas E. Daniels has misrepresented to the Commission the facts and circumstances relating to the control of said radio stations.

7. To determine the facts with respect to the failure of Thomas E. Daniels to respond to the Commission's official communications dated September 23 and December 28, 1949, and January 31, March 8, and May 8, 1950, which were sent to him with respect to the operation of said stations KKA408 and KA2519.

8. To determine, in the light of the evidence on issues 5, 6 and 7 above, whether Thomas E. Daniels is qualified to be a radio station licensee in the Domestic Public Land Mobile Radio Service.

9. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

10. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

11. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11047; Filed, Dec. 5, 1950; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1012]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On September 2, 1950, the above matter was recessed by the Presiding Examiner to reconvene upon order of the Commission.

The Commission orders: Hearings in the above matter shall reconvene on December 11, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: November 30, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-11050; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1319]

ALGONQUIN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On August 5, 1950, the above matter was recessed by the Presiding Examiner to reconvene upon order of the Commission.

The Commission orders: Hearings in the above matter shall reconvene on December 18, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: November 30, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-11051; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1493]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On September 26, 1950, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing a change in operation of certain existing natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 12, 1950 (15 F. R. 6865).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on January 5, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11057; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1497]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On September 28, 1950, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation having its principal office in Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and subject to public inspection.

Temporary authorization to construct and operate the requested facilities was granted by the Commission on October 5, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 21, 1950 (15 F. R. 7062).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 14, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11058; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1503]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On October 6, 1950, Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, having its principal place of business at Chicago, Illinois, filed an application (a) for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities, and (b) for approval of abandonment and sale of certain natural-gas facilities, both pursuant to section 7 of the Natural Gas Act, as amended, and subject to the jurisdiction of the Commission, all as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 28, 1950 (15 F. R. 7283).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 19, 1950, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11053; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1504]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On October 6, 1950, Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, having its principal place of business at Chicago, Illinois, filed an application, amended on October 26, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 28, 1950 (15 F. R. 7283).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power

Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 18, 1950, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11054; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1512]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On October 17, 1950, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas facilities and the delivery and sale of natural gas by means thereof, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding is a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 24, 1950 (15 F. R. 7131).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on December 8, 1950, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11056; Filed, Dec. 5, 1950; 8:47 a. m.]

[Docket No. G-1513]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 29, 1950.

On October 18, 1950, Chicago District Pipeline Company (Applicant) an Illinois corporation, having its principal place of business at Joliet, Illinois, filed an application, as amended on October 30, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the purchase and sale for resale of natural gas by Applicant, subject to the jurisdiction of the Commission, as fully described in the application and amendment thereto on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) 18 CFR 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 8, 1950 (15 F. R. 7504).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 18, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11055; Filed, Dec. 5, 1950; 8:47 a. m.]

[Project No. 2016]

CITY OF TACOMA, WASH.

ORDER FIXING DATE FOR FURTHER HEARING

NOVEMBER 29, 1950.

The hearing in this matter was adjourned November 21, 1950, in Tacoma, Washington, until further order of the Commission.

The Commission orders: Further hearing in this matter be held commencing on Monday, January 8, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: November 30, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-11052; Filed, Dec. 5, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 34]

N. Y. CENTRAL RAILROAD CO.

REROUTING OR DIVERTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the New York Central Railroad Company because of washout is unable to transport traffic routed over and to points on its line between Oneonta, New York, and Kingston, New York: It is ordered, that:

(a) *Rerouting traffic.* The New York Central Railroad Company is hereby authorized and directed to reroute or divert traffic on its line, routed over its line between Oneonta and Kingston, New York, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad named desiring to divert or reroute traffic over the line or lines of another carrier under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed

to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 7:00 a. m., November 29, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 15, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 28, 1950.

INTERSTATE COMMERCE COMMISSION,
[SEAL] HOMER C. KING,
Agent.

[F. R. Doc. 50-11065; Filed, Dec. 5, 1950; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 35]

ANN ARBOR RAILROAD CO.

REROUTING OR DIVERTING OF TRAFFIC

In the opinion of Homer C. King, Agent, The Ann Arbor Railroad Company, because of storm conditions on Lake Michigan making it impossible to operate its car ferry, is unable to transport traffic routed over its lines to, from, or via the Port of Manistique, Michigan. It is ordered, that:

(a) *Rerouting traffic.* The Ann Arbor Railroad Company is hereby authorized and directed to reroute or divert traffic on its lines, routed over its lines to, from or via the Port of Manistique, Michigan, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a. m., November 29, 1950.

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 15, 1950, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 29, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-11066; Filed, Dec. 5, 1950; 8:48 a. m.]

[4th Sec. Application 25617]

GRAIN; MISSOURI RIVER POINTS TO MEMPHIS

APPLICATION FOR RELIEF

DECEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago, Rock Island and Pacific Railroad Company and the Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Atchison, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11060; Filed, Dec. 5, 1950; 8:48 a. m.]

[4th Sec. Application 25618]

GRAIN; ILLINOIS POINTS TO ST. LOUIS

APPLICATION FOR RELIEF

DECEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Wabash Railroad Company.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Bement, Ill., and other points in Illinois.

To: St. Louis, Mo., and certain points in Illinois.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11061; Filed, Dec. 5, 1950; 8:48 a. m.]

[4th Sec. Application 25619]

IRON AND STEEL ARTICLES FROM BIRMINGHAM, ALA., DISTRICT

APPLICATION FOR RELIEF

DECEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, carloads.

From: Birmingham, Ala., and points grouped therewith, and Alabama City, Attalla, and Gadsden, Ala.

To: Atlanta, Ga., and points grouped therewith.

Grounds for relief: Circuitous routes, Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-11062; Filed, Dec. 5, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15839]

K. OSAWA

In re: Bank account owned by K. Osawa. F-39-5675-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Osawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Osawa, by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles, California, arising out of a Savings Account number 7595, entitled K. Osawa, maintained at the branch office of the aforesaid bank located at 200 East Anaheim Street, Wilmington, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-11027; Filed, Dec. 4, 1950; 8:50 a. m.]

[Vesting Order 15842]

MARY TENGE

In re: Bank account owned by the personal representatives, heirs, next of kin, and legatees of Mary Tenge, deceased. F-28-22736-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, and legatees of Mary Tenge, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Fourth Avenue at 14th Street, New York, New York, arising out of a savings account, account number 994,600, entitled Mary Tenge (deceased), and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, and legatees of Mary Tenge, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, and legatees of Mary Tenge, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-11029; Filed, Dec. 4, 1950; 8:50 a. m.]

[Vesting Order 15841]

TOSUKE SUKEGAWA

In re: Bank account owned by Tosuke Sukegawa. D-39-1473-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tosuke Sukegawa, whose last known address is Ose 133 Hitachishi, 1 Barikiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tosuke Sukegawa, by California Bank, 625 South Spring Street, Los Angeles 54, California, arising out of a savings account, account number 5871, entitled Tosuke Sukegawa, maintained at the branch office of the aforesaid bank located at 1001 South Pacific Avenue, San Pedro, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11028; Filed, Dec. 4, 1950; 8:50 a. m.]

[Vesting Order 15403]

HATSUKO IWASAKI

In re: Stock owned by Hatsuko Iwasaki, F-39-6079-C-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsuko Iwasaki, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five (5) shares of $10 par value common capital stock of Eastman Kodak Company, 343 State Street, Rochester 4, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered R100439, for one (1) share of no par common capital stock of the aforesaid Eastman Kodak Company, registered in the name of Hatsuko Iwasaki, together with any and all declared and unpaid dividends thereon, and all rights to receive new certificates for $10 par value stock of Eastman Kodak Company; and

b. Two (2) Scrip Certificates for twenty-five one-hundredths share each (25/100ths) of $10 par value common capital stock of Eastman Kodak Company, 343 State Street, Rochester 4, New York, a corporation organized under the laws of the State of New Jersey, said certificates presently in the custody of Lincoln Rochester Trust Company, 183 Main Street, Rochester 3, New York, together with any and all rights thereunder and thereto;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hatsuko Iwasaki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11081; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15522]

EVA BRAUN

In re: Rights in a motion picture owned by the personal representatives, heirs, next of kin, legatees and distributees of Eva Braun, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Eva Braun, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion picture taken by or for Eva Braun covering scenes from the personal life and her life with Adolf Hitler in and around Berchtesgaden, Chiensee, Ahorn Weiher, Königsee, Wolfzansee and Starnbergersee of Austria and Bavaria including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraph 1, and also of all other persons (including individuals, partnerships, associations, corporations or other business organiaztions), whether or not named elsewhere in this order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion picture described in subparagraph 2 (a) (1) of this vesting order.

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion picture described in subparagraph 2 (a) (1) of this vesting order.

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraph 2 (a) (1) of this vesting order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) (1) of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a) (1), hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11083; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15404]

CHECKS OWNED BY CERTAIN JAPANESE NATIONALS

In re: Checks owned by Japanese nationals whose names are unknown, F-39-4090.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 4 hereof, was received by the Civil Property Custodian, Tokyo, Japan, acting for the Supreme Commander for the Allied Powers (S. C. A. P.) Japan, from the Government of Japan;

2. That although the names of the owners of the property described in subparagraph 4 hereof are not available, such persons are within Japan;

3. That the owners of the property described in subparagraph 4 hereof, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

4. That the property described as follows: Those certain debts or other obligations of The American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, evidenced by those certain checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks drawn on The American Express Company, Inc., and any and all rights to demand, enforce, and collect the aforesaid debts or other obligations, and any and all rights in, to and under including particularly the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 3 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Drawer	Check Nos.	Total face amount
Setsugi Yamashita	P-9845056/058	$150
	J-1737853/857	100
	L-1308829/833	50
S. Fukukawa	H-4786896/905	200
H. Nakagawa	P-7037814/819	300
	B-9396308/309	40
Shoichi Yokoi	A-2553488/493	50
G. W. Euler	P-9513430	50
	J-1158587/589	60
	D-297293	50
	J-3480587	20
Y. Tasaka	J-1772257/259	60
Fred Yada	J-3534577/581	100
Benj. E. Matty	J-3894134/135	40
James Hay	L-1942801/802	20
H. Mac Kenzie	R-3058946	100
F. G. Kelly	L-1944477	10
Manuel Calvo	K-8097097	10
Gertrude Hill	K-9849811	10
Gertrude Walters	K-8067112/113	20
Iwao Eto	J-4206819/820	40
	L-7114011	10
F. Kizuni	T9433951	20
Kikutaro Takano	J-4045463/465	60
H. Nolaworafaius	J-3644861,863 and 864	60
	L-6029247/248	20
B. W. Amonds	B-5730202	20
Giichi Hiyama	H-9165955/956	40
Marguerite Camozzi	J-3915962 and 964, 965	60
Roberto V. Carretero	J-2987880	20
M. Wensyiash	F-1396496/497	20
D. S. Dubash	L-5380460/461	20
J. F. Cafif	K-567748	10
S. W. Vance	K-8065641	10
J. G. H. Baker	L-3097220/221	20
Dominadn Z. Rosell	L-7376201	10
Keiji Eto	L-4389719/725	70
Max Yeshlin	G-7627456/457	20
Wm. H. Hickson	L-1945086	10
Edward Nathen	L-6032862, 863, 865, and 866	40
Antolin G. Ageo	L-6794644/645	20
Mari Eto	L-4389734/736	30
I. Sera	L-6756911	10
Ethel M. Gillingham	L-7100330	10
A. M. Whitehead	L-7354804/805	20

[F. R. Doc. 50-11082; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15741]

MARTIN DELBRUCK ET AL.

In re: Rights of Martin Delbruck, et al. under insurance contract. File No. F-28-26793-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Delbruck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erwin Wilhelm Heinrich Adelbert Delbruck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 206022, issued by the West Coast Life Insurance Company, San Francisco, California, to Erwin Wilhelm Heinrich Adelbert Delbruck, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Martin Delbruck or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erwin Wilhelm Heinrich Adelbert Delbruck, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erwin Wilhelm Heinrich Adelbert Delbruck, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11084; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15749]

KURATA KAWANAMI

In re: Rights of Kurata Kawanami under insurance contract. File No. D-39-17230-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurata Kawanami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1334121, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kurata Kawanami, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11085; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15750]

EMMA KECKH ET AL.

In re: Rights of Emma Keckh, et al., under contract of insurance. File No. D-28-2149-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Nattler, Marie Bauerle, Mathilde Dompert, Elise Nattler, Klara Kittleberger, Elsie Meck, Ernst Finck, Paul Finck, Karl Finck, Christian Bidenbach, Oscar Basler and Emma Keckh, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hellmuth Basler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9759820 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Elizabeth Burkhart, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hellmuth Basler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11086; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15751]

ELSIE ROTH KINKEL

In re: Rights of Elsie Roth Kinkel under insurance contract. File No. F-28-29024-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Roth Kinkel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 73 445 069, issued by the Metropolitan Life Insurance Company, New York, New York, to Elsie Roth Kinkel, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11087; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15752]

CHARLES KOENIGER

In re: Rights of Charles Koeniger under insurance contract. File No. F-28-28979-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Koeniger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 74326098, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Charles Koeniger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11088; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15754]

JUICHI AND TOSHIKO KONO

In re: Rights of Juichi Kono and Toshiko Kono under contract of insurance. File No. D-39-1639-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juichi Kono and Toshiko Kono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,932,944 issued by the New York Life Insurance Company, New York, New York, to Juichi Kono, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Juichi Kono or Toshiko Kono, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11089; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15755]

JUICHI AND TOSHIKO KONO

In re: Rights of Juichi Kono and Toshiko Kono under contracts of insurance. Files Nos. D-39-1639-H-1, D-39-1639-H-5, and D-39-1639-H-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juichi Kono and Toshiko Kono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 7,914,384, 15,-001,835 and 8,657,876 issued by the New York Life Insurance Company, New York, New York, to Juichi Kono, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Juichi Kono or Toshiko Kono, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11090; Filed, Dec. 5, 1950; 8:52 a. m.]

[Vesting Order 15756]

FRAULEIN CLARA KUPPERS

In re: Rights of Fraulein Clara Kuppers under supplementary contract of insurance. File No. F-28-29025-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fraulein Clara Kuppers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Supplementary Contract No. 1 825-R, issued by the Metropolitan Life Insurance Company, New York, New York, to Paul Kuppers, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11091; Filed Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15757]

AMELIA LANG

In re: Rights of domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amelia Lang under contract of insurance. Files Nos. F-28-24384-H-2 and F-28-24384-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amelia Lang, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amelia Lang, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 42980160 and 46729707 issued by the Metropolitan Life Insurance Company, One Madison Avenue, New York, New York to Ferdinand Lang, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Amelia Lang or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amelia Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amelia Lang, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11092; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15759]

KIKUMATSU AND YOSHIYE MIYAZAKI

In re: Rights of Kikumatsu Miyazaki and Yoshiye Miyazaki under contract of insurance. File No. F 39-4949 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikumatsu Miyazaki and Yoshiye Miyazaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2554408 issued by the Equitable Life Assurance Society of the United States, New York, New York, to Kikumatsu Miyazaki, together with the right to demand, receive, and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kikumatsu Miyazaki or Yoshiye Miyazaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11093; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15762]

JUZO NISHINO

In re: Rights of Juzo Nishino under insurance contract. File No. F-39-4467-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juzo Nishino, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8629673, issued by the New York Life Insurance Company, New York, New York, to Juzo Nishino, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11094; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15767]

ERNA PROCK ET AL.

In re: Rights of Erna Prock et al. under insurance contract. File No. F-28-29084-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Prock, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Prock, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 106 447 593,

issued by the Metropolitan Life Insurance Company, New York, New York, to Erna Prock, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erna Prock or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Prock, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Erna Prock, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11095; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15769]

ANNA E. ROHN

In re: Rights of Anna E. Rohn under insurance contract; File No. F-28-24418-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna E. Rohn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7177 G, Serial 425, issued by the Metropolitan Life Insurance Company, New York, New York, to Carl A. Rohn, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11096; Filed Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15770]

SHUICHI AND MATSU SASAKI

In re: Rights of Shuichi Sasaki and Matsu Sasaki under contract of insurance. File No. D-39-11274-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shuichi Sasaki and Matsu Sasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6,787,015 issued by the New York Life Insurance Company, New York, New York, to Shuichi Sasaki, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shuichi Sasaki or Matsu Sasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11097; Filed Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15774]

MANTARO TAKAGAKI

In re: Rights of Mantaro Takagaki under insurance contract. File F 39-5054 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mantaro Takagaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Mantaro Takagaki under a contract of insurance evidenced by Policy No. WS-46303 issued by the California-Western States Life Insurance Company, Sacramento, California, to Mantaro Takagaki, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11098; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15776]

MINNIE WICKFELLER WILLIG

In re: Rights of Minnie Wickfeller Willig under insurance contracts. Files No. F-28-29126-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minnie Wickfeller Willig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 74637343 and 74637344, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Minnie Wickfeller Willig, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11100; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15775]

MINE UCHIDA

In re: Rights of Mine Uchida under insurance contract. File No. D-39-18787-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mine Uchida, whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2712-21112, issued by The Equitable Life Assurance Society of the United States, New York, New York, to S. Uchida, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 16, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11099; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15781]

ALBRECHT BEHRENS

In re: Rights of Albrecht Behrens under insurance contract. File No. D-28-3776-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht Behrens, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6171196, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Albrecht Behrens, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Albrecht Behrens be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11101; Filed, Dec. 5, 1950; 8:53 a. m.]

[Vesting Order 15782]

HARRY BORNEMANN

In re: Rights of Harry Bornemann under insurance contracts. File No. F 28-17662 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Bornemann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the net proceeds due or to become due under contracts of insurance evidenced by Supplementary Contracts numbered SN 17691D and 17692D issued by the Mutual Life Insurance Company of New York, New York, New York, to Harry Bornemann, together with the

right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11102; Filed, Dec. 5, 1950 8:54 a. m.]

[Vesting Order 15783]

ROSE P. BROGAN

In re: Rights of Rose P. Brogan under insurance contracts. File No. F 39-4960 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose P. Brogan and Robert Brogan, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 32585387 and No. 32706917 issued by the Metropolitan Life Insurance Company, San Francisco, California, to Rose P. Brogan, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rose P. Brogan or Robert Brogan, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11103; Filed, Dec 5, 1950; 8:54 a. m.]

[Vesting Order 15833]

GEORGE SUSUMI HASUIKE

In re: Debt owing to George Susumi Hasuike, also known as George S. Hasuike, George Hasuike and as G. S. Hasuike.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Susumi Hasuike, also known as George S. Hasuike, George Hasuike and as G. S. Hasuike, whose last known address is Kamogun, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to George Susumi Hasuike, also known as George S. Hasuike, George Hasuike and as G. S. Hasuike, by Tsuneko Oda and Setsuji Harry Oda, also known as H. S. Oda, evidenced by a note, in the principal sum of $1,100.00, dated February 11, 1938, payable to George S. Hasuike, and presently in the custody of Security-First National Bank of Los Angeles, Burbank Branch, 101 South San Fernando Boulevard, Burbank, California, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession and presentation for payment of the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11111; Filed, Dec. 5, 1950; 8:55 a. m.]

[Vesting Order 15787]

FRANK GOSCH ET AL.

In re: Rights of Frank Gosch, et al., under contract of insurance. File No. F-28-2856A-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Gosch and Mrs. Hedwig Gosch, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 71113394 issued by The Prudential Insurance Company of America of 763 Broad Street, Newark, New Jersey, to Frank Gosch, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frank Gosch or Mrs. Hedwig Gosch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11104; Filed, Dec. 5, 1950; 8:54 a. m.]

[Vesting Order 15790]

TOKIO IMASAKA

In re: Rights of Tokio Imasaka under insurance contract. File No. D-39-18653-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokio Imasaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 870 438, issued by the New York Life Insurance Company, New York, New York, to Tokio Imasaka, together with the right to demand, receive, and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11105; Filed, Dec. 5, 1950; 8:54 a. m.]

[Vesting Order 15792]

HERDA KOENIGER

In re: Rights of Herda Koeniger under insurance contract. File No. F-28-28978-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herda Koeniger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 74326100, issued by The Prudential Insurance Company, Newark, New Jersey, to Herda Koeniger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11106; Filed Dec. 5, 1950; 8:54 a. m.]

[Vesting Order 15795]

EMILIE LANG

In re: Rights of domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Lang under contract of insurance. File No. F-28-24384-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Lang, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Lang, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 13974263 issued by the Metropolitan Life Insurance Company, New York, New York, to Ferdinand Lang, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Emilie Lang or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Lang, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11107; Filed, Dec. 5, 1950; 8:54 a. m.]

[Vesting Order 15836]

PAUL MALYS

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Paul Malys, deceased. F-28-25195-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Paul Malys, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany).

2. That the property described as follows: Five (5) shares of $15.00 par value capital stock of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, evidenced by certificate number V-183, registered in the name of Paul Malys, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Paul Malys, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Paul Malys, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11113; Filed, Dec. 5, 1950; 8:55 a. m.]

[Vesting Order 14697, amdt.]

MARTHE VON TARNOCZY

In re: Stock owned by Marthe Von Tarnoczy.

Vesting Order 14697, dated May 24, 1950, is hereby amended as follows and not otherwise: By adding to said Vesting Order 14697 after subparagraph 2 (b) two new subparagraphs numbered 2 (c) and 2 (d) and reading as follows:

c. Three (3) shares of $25.00 par value common capital stock of Standard Oil Company (New Jersey) 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 3C222359, registered in the name of Mrs. Marthe Von Tarnoczy, together with all declared and unpaid dividends thereon, and

d. Cash in the amount of $3.75 representing dividend # 172 on the shares of stock described in subparagraph 2 (c) hereof, said cash presently in the custody of the Attorney General of the United States,

All other provisions of said Vesting Order 14697 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 15, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11114; Filed, Dec. 5, 1950; 8:55 a. m.]

[Return Order 808]

MARJORIE A. CLYDE AND FIRST NATIONAL BANK OF ELGIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Marjorie A. Clyde, Wilmette, Illinois; The First National Bank of Elgin, Elgin, Illinois, Executor u/w of Charles Nealy; Claim No. 5906; October 13, 1950 (15 F. R. 6899); An undivided one-half interest in the following property to each of the claimants: Real property situated in the City of Elgin, Kane County, Illinois, particularly described as the East one-third (⅓) of the North one-half (½) of Lot 5 in Block 19 of P. J. Kimball Jr's., Third Addition to Elgin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property.

$740.66 in the Treasury of the United States in equal shares to the claimants.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11115; Filed, Dec. 5, 1950; 8:55 a. m.]

[Return Order 809]

MARCEL IDZKOWSKI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marcel Idzkowski, Paris, France; Claim No. 5583; July 22, 1950 (15 F. R. 4735); $4,270.09 in the Treasury of the United States.

Ten (10) shares of Hardman, Peck & Company (New York) capital stock without par value. Certificate No. 125 registered in the name of Voluntary Custody Account of the Alien Property Custodian for benefit of Marcel Idzkowski. Said certificate bears the stamped notation, "The shares of stock represented by this certificate are without par value, but have been given a stated value of $1.00 per share". This certificate is presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11116; Filed, Dec. 5, 1950; 8:55 a. m.]

[Return Order 813]

CHRISTIAN AND CHRISTEN SCHMIDT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Christian Schmidt, Claim No. 35323; $2,079.89 in the Treasury of the United States; Christen Schmidt, Claim No. 35324; $2,079.88 in the Treasury of the United States; both of Wels by Nordberg, Als, Denmark; October 25, 1950 (15 F. R. 7164).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11117; Filed, Dec. 5, 1950; 8:55 a. m.]